

SENATE.

THURSDAY, December 20, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

JOHN P. JONES, a Senator from the State of Nevada, appeared in his seat this day.

The Journal of the proceedings of yesterday was read and approved.

ELECTORAL VOTES OF UTAH, MAINE, AND INDIANA.

The PRESIDENT pro tempore laid before the Senate three communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Utah, Maine, and Indiana at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, were ordered to lie on the table.

EVELYN NEALE MURRAY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4184) granting an increase of pension to Evelyn Neale Murray; which was, in line 9, to strike out "fifty" and insert "thirty."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

CATHARINE WEINHEIMER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3436) granting a pension to Catharine Weinheimer; which was, in line 10, to strike out all after "receiving" down to and including the word "determine" in line 13 and insert:

Provided, however, That in the case of the death of the helpless and dependent child, Caroline Weinheimer, on whose account the pension of Catharine Weinheimer is increased, the pension of said Catharine Weinheimer shall continue only at the rate of \$12 per month from and after the date of death of said helpless and dependent child.

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

Mr. COCKRELL. I thought that the bill as we passed it contained such a provision.

Mr. GALLINGER. It did, but in different language. The House is very technical as to the use of language, I would say to the Senator.

Mr. COCKRELL. Oh, yes.

The PRESIDENT pro tempore. The question is on concurring in the amendment made by the House of Representatives.

The amendment was concurred in.

WILLIAM M. FERRY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 92) granting a pension to William M. Ferry which was, in line 8, to strike out "twenty" and insert "forty."

Mr. GALLINGER. I move concurrence in the amendment of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes; and

A bill (S. 2329) to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 5053) to amend an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of the Fruit and Produce Exchange of Boston, Mass., praying for the repeal of the war-revenue tax on receipts for express and freight packages; which was referred to the Committee on Finance.

He also presented a petition of the Fruit and Produce Exchange of Boston, Mass., praying for the enactment of legislation to establish at that city a national forecast district for the New Eng-

land States; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Lynnfield Center, Mass., and a petition of the Woman's Christian Temperance Union of West Brookfield, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of 61 citizens of Lowell, Mass., praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Methodist Episcopal Church of Plainville, Mass., praying for the ratification of the international treaty prohibiting the sale of liquor to native races in Africa; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Drug Exchange of New England and a petition of 157 druggists of Massachusetts, praying for the repeal of the revenue tax on proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

He also presented petitions of the congregation of the Methodist Episcopal Church of Plainville, of the Christian Union of the Universalist Church of West Hingham, and of 150 Methodist Episcopal ministers, all in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

Mr. CULLOM presented a memorial of the State Grange of Illinois, Patrons of Husbandry, remonstrating against the appropriation of public funds for the purpose of irrigating Western arid lands; which was referred to the Committee on Public Lands.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the enactment of legislation to prohibit the adulteration of foods and medicines; which was referred to the Committee on Manufactures.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying that an appropriation be made for the extension of the rural free delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the enactment of legislation controlling trusts; which was referred to the Committee on the Judiciary.

Mr. HANNA presented the petition of William M. Griffith, of Tucson, Ariz., praying for the enactment of legislation authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county; which was referred to the Committee on Territories.

He also presented a memorial of the Board of Trade of Columbus, Ohio, remonstrating against the passage of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a petition of the Foley Brothers & Kelly Mercantile Company, of St. Paul, Minn., praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. KEAN presented two petitions of the Woman's Christian Temperance Union of Cranbury, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in central Africa, the Philippines, and Alaska, and also to prohibit their sale in Army canteens; which were referred to the Committee on Military Affairs.

He also presented petitions of George W. F. Gaunt, of Mullica Hill; of E. C. Balevre, of Newark; of H. W. Collingwood, of Bergen County; of the Dairymen's Association of Locktown; of John H. Prinsen, of Pennsville, and of Local Grange No. 88, Patrons of Husbandry, of Locktown, all in the State of New Jersey, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Home Missionary Society of the Second Presbyterian Church of Elizabeth; of the Woman's Home Missionary Society of the First Presbyterian

Church of East Orange; of the Woman's Home Missionary Society of the Central Presbyterian Church of Orange, and of sundry citizens of Plainfield, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also (for Mr. SEWELL) presented a petition of the Woman's Missionary Society of the First Presbyterian Church of East Orange, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also (for Mr. SEWELL) presented five petitions of citizens of Middlebush, Sandbrook, and Cranbury, all in the State of New Jersey, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also (for Mr. SEWELL) presented a petition of 73 citizens of Beverly, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented a petition of sundry citizens of Ash Grove, Mo., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry business firms of St. Louis, Mo., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

Mr. THURSTON presented a petition of Subordinate Lodge No. 38, Brotherhood of Boiler Makers and Iron Ship Builders, of Omaha, Nebr., praying for the passage of the so-called ship subsidy bill; which was ordered to lie on the table.

Mr. KENNEY presented a petition of sundry citizens of Delaware, praying that an appropriation of \$25,000 be made for a survey and other needed improvements to reopen navigation in the Lewes River, in that State; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Delaware, praying that an appropriation of \$20,000 be made to open a 7-foot channel, at mean low water, in Broadkill River, from the town of Milton, in that State; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. ELKINS, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5022) to provide for the establishment of a port of delivery at Fall River, Mass.; and

A bill (S. 5023) to provide for the establishment of a port of delivery at New Bedford, Mass.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs to report with amendments the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

The PRESIDENT pro tempore. The attention of the Senator from Connecticut is called to the fact that Senate bill 4300 once passed the Senate, and was sent to the House of Representatives, where all of it, after the enacting clause, was stricken out.

Mr. HAWLEY. Yes, sir.

The PRESIDENT pro tempore. The bill referred to the Committee on Military Affairs was Senate bill 4300, as amended by the House.

Mr. HAWLEY. That is quite right.

The PRESIDENT pro tempore. And apparently the committee now reports Senate bill 4300.

Mr. HAWLEY. The House struck out the whole of the Senate bill after the enacting clause and passed what was substantially a substitute. We have taken that measure and have amended it. That is exactly the situation.

Mr. SPOONER. It is an amendment to the House amendment.

Mr. HAWLEY. We report amendments to the House amendment. It is practically a reconstructed bill.

The PRESIDENT pro tempore. The Senator from Connecticut then reports the Senate bill as amended by the House, with amendments?

Mr. HAWLEY. Yes.

Mr. ALDRICH. It is a recommendation for concurrence, with amendments.

The PRESIDENT pro tempore. That makes a different situation.

Mr. GALLINGER. Mr. President, I intended to call attention to the parliamentary status of the bill, which I think is very unusual. The Senate passed a bill and sent it to the House. The House amended it and returned it to the Senate. It was referred to the Committee on Military Affairs, and that committee reports it back with amendments. Now, if that goes to the Calendar and is passed by the Senate and goes to the House, will it be competent to send it again to the Committee on Military Affairs and

report it back here in a different form? If so, there is no end to the matter. It seems to me that the bill is in a bad parliamentary state at the present time and that we are going to get into trouble if we treat an amended Senate bill in this way. I may be wrong about it. The Senator from Missouri [Mr. COCKRELL] shakes his head.

Mr. COCKRELL. There is no trouble in the world about it. As soon as the Senate passes the bill it will ask for a conference with the House of Representatives.

Mr. HAWLEY. Yes.

Mr. COCKRELL. And the House will either agree or disagree to the request for a conference.

Mr. GALLINGER. That, of course, makes a different parliamentary situation.

Mr. COCKRELL. As the Senator put it, it was getting into a peculiar condition; but when the committee asks for a conference, that will end it.

Mr. HAWLEY. If the Senate will be kind enough to pass the bill, I shall be very glad to ask for a committee of conference to-day.

The PRESIDENT pro tempore. The bill will go to the Calendar.

Mr. HAWLEY subsequently said: The rule will not permit the printing of a sufficient number of copies of this bill, and I move that a thousand extra copies of it as proposed to be amended be printed for the use of the Senate.

The motion was agreed to.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 5138) to provide for the establishment of a port of delivery at Saginaw, Mich., reported it with amendments, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 2079) granting a pension to William Ashmead, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 4956) to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn., reported it with amendments.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the letter of the Secretary of the Treasury transmitting a list of buildings under control of the Treasury Department for which it is necessary, in order to secure their proper completion, that the limit of cost shall be extended by Congress, asked that the committee be discharged from its further consideration and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

JAMES H. CALDWELL.

Mr. COCKRELL. I move that the Committee on Pensions be discharged from the further consideration of the bill (H. R. 9286) granting an increase of pension to James H. Caldwell and that the bill be indefinitely postponed, the claimant having died.

The motion was agreed to.

PROGRESS REPORT ON IRRIGATION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following resolution, submitted by Mr. PERKINS on the 18th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 1,000 copies of the Progress Report of Cooperative Investigation by the United States Geological Survey and the California Water and Forest Association during the year 1900.

REPORT ON REINDEER IN ALASKA.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution providing for the printing of Dr. Jackson's report upon the introduction of reindeer into Alaska, to report it favorably with amendments; and I ask unanimous consent for its immediate consideration.

The resolution submitted by Mr. TELLER on the 6th instant was read, and considered by unanimous consent, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies additional to the usual number of the report of Dr. Sheldon Jackson upon the Introduction of Domestic Reindeer into the District of Alaska, for 1900, of which 1,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,000 copies for the use of the Commissioner of Education.

The amendments of the Committee on Printing were, in line 2 to strike out "ten" and insert "five;" in line 5 to strike out "one thousand" and insert "five hundred;" in line 6 to strike out "three thousand" and insert "one thousand five hundred;" and in line 8 to strike out "six" and insert "three;" so as to make the resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies additional to the usual number of the report of Dr. Sheldon Jackson upon the Introduction of Domestic Reindeer into the District of Alaska, for 1900, of which 500 copies shall be for the use of the Senate, 1,500 copies for the use of the House of Representatives, and 3,000 copies for the use of the Commissioner of Education.

Mr. HANSBROUGH. What is the total number recommended by the committee to be printed?

Mr. PLATT of New York. Five thousand. The amendments reduce the number one-half.

The PRESIDENT pro tempore. The question is on agreeing to the amendments reported by the Committee on Printing.

The amendments were agreed to.

The resolution as amended was concurred in.

WILLIAM GORDON.

Mr. GALLINGER. I am directed by the Committee on Pensions to report two pension bills, and as they are both very urgent cases, in which two Senators are interested, I ask unanimous consent for their immediate consideration. They will take but a moment. The first one is the bill (S. 5259) granting an increase of pension to William Gordon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of William Gordon, late captain Company F, Fifteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS HEBEL.

Mr. GALLINGER. The other bill, which is likewise reported without amendment from the Committee on Pensions, is the bill (H. R. 11552) granting an increase of pension to Louis Hebel, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Louis Hebel, late of Company E, One hundred and eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMUTATION OF CERTAIN HOMESTEAD ENTRIES.

Mr. CARTER. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 5258) to allow the commutation of homestead entries in certain cases, to report it without amendment; and I request unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Montana, from the Committee on Public Lands, reports a bill for which he asks immediate consideration. The bill will be read for the information of the Senate.

The bill was read, as follows:

Be it enacted, etc., That the provisions of section 2301 of the Revised Statutes of the United States, as amended, allowing homestead settlers to commute their homestead entries be, and the same hereby are, extended to all homestead settlers affected by or entitled to the benefits of the provisions of the act entitled "An act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose," approved the 17th day of May, A. D. 1900: *Provided, however,* That in commuting such entries the entryman shall pay the price provided in the law under which original entry was made.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let us have an explanation of it.

Mr. CARTER. Mr. President, this is the bill which was reported with reference to but one reservation some days ago by the Senator from Minnesota [Mr. NELSON]. There were some attempts to amend that bill at the time, and having attempted to amend it, and possibly thereby obstructed its passage on that day, I have felt called upon to ask now that in its amended form reported from the committee it be put upon its passage.

The bill merely extends the commutation privilege to persons residing upon ceded portion of Indian reservations. The free-home bill exonerated such homestead settlers from the payment of the amounts theretofore prescribed by numerous treaties of cession and acts confirmatory thereof. This allows the settler, after having resided upon the land for fourteen months, to pay \$1.25 per acre for the land and get patent, as provided in the homestead law.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACCOUNTS OF COURT OFFICERS IN UTAH TERRITORY.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5231) relating to the accounts of United States marshals and clerks of the district courts of the Territory of Utah, to report it with an amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with an amendment, in line 9, after the word "accordingly," to insert "and the fees earned in United States cases, and withheld from them, shall be paid to them out of any money not otherwise appropriated;" so as to make the bill read:

Be it enacted, etc., That the United States marshals and the clerks of the district courts of the Territory of Utah prior to its admission to the Union as a State shall be held accountable only for fees earned in United States cases, in accordance with a decision of the Attorney-General dated December 2, 1891, and all unclosed accounts of such officers shall be settled and closed accordingly, and the fees earned in United States cases and withheld from them shall be paid to them out of any money not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EQUIPMENT FOR SENATE RESTAURANT.

Mr. SPOONER, from the Committee on Rules, reported the following resolution; which, with the accompanying papers, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms be, and he hereby is, authorized and directed to purchase and place in the kitchen of the Senate restaurant a dish-washing machine, in accordance with the proposition made to the Committee on Rules by the Duparquet, Huot & Monense Company, to cost not more than \$600, said machine to be paid for from the miscellaneous items of the contingent fund of the Senate, when approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

WATER FILTRATION.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. McMILLAN yesterday, reported it without amendment; and it was considered by unanimous consent:

Resolved, That the Committee on the District of Columbia be, and it is hereby, directed to investigate and report to the Senate, at the earliest practicable date, the relative advantages of the so-called mechanical system and of the slow sand system of water filtration for cities; and the necessary expenses of such investigation shall be paid from the contingent fund of the Senate.

Mr. COCKRELL. Do I correctly understand that the investigation is to embrace the slow sand system?

Mr. GALLINGER. The slow sand filtration. There are two systems.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 5289) granting a pension to Ellen Gaines; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5290) granting a pension to Joab Hart (with an accompanying paper);

A bill (S. 5291) granting an increase of pension to John Doberrerr;

A bill (S. 5292) granting a pension to Margaret Robison (with an accompanying paper);

A bill (S. 5293) granting an increase of pension to John W. Armitage (with accompanying papers);

A bill (S. 5294) granting an increase of pension to William C. Phares (with accompanying papers);

A bill (S. 5295) granting a pension to America Rankin (with accompanying papers);

A bill (S. 5296) granting an increase of pension to Thomas B. Tucker;

A bill (S. 5297) granting an increase of pension to C. H. Miller (with an accompanying paper); and

A bill (S. 5298) granting an increase of pension to Newton P. Hunter (with an accompanying paper).

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 5299) to remove the charge of desertion from the military record of John Welty;

A bill (S. 5300) for relief of Jacob Barr (with accompanying papers);

A bill (S. 5301) to remove the charge of desertion from the military record of Richard H. Sterling (with an accompanying paper);

A bill (S. 5302) to correct the military record of Thomas Ross (with accompanying papers);

A bill (S. 5303) to remove the charge of desertion from the military record of Milton A. Romig (with an accompanying paper);

A bill (S. 5304) to remove the charge of desertion from the military record of Simon Rupert (with an accompanying paper); and

A bill (S. 5305) to remove the charge of desertion from the military record of Jacob Shela.

Mr. HARRIS. For my colleague [Mr. BAKER], who is unavoidably absent, I introduce a bill.

The bill (S. 5306) granting a pension to Elizabeth J. Musgrove was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims: A bill (S. 5307) for the relief of Thomas W. Evans and the heirs of William Evans and of William R. Elliston;

A bill (S. 5308) for the relief of Thomas W. Evans; and

A bill (S. 5309) for the relief of the heirs of Mrs. Jane Elizabeth Rodes.

Mr. FAIRBANKS introduced a bill (S. 5310) granting an increase of pension to Benjamin F. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 5311) for the relief of Levi J. Billings; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 5312) for relief of Anna M. Orne, administratrix of Henry A. Orne, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 5313) granting a pension to James Frey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5314) granting a pension to John Coleman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANNA introduced a bill (S. 5315) granting an increase of pension to John W. Fellows; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 5316) granting a pension to Ambrose Brisett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 5317) authorizing certain suits in the Court of Claims, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5318) authorizing the Dewey Hotel Company to construct and maintain an electric and steam conduit on Stanton alley; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5319) granting an increase of pension to William H. Ijams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 5320) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GALLINGER introduced a bill (S. 5321) for the purchase of a site for a hall of records; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HALE introduced a bill (S. 5322) granting an increase of pension to Daniel W. Warren, which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5323) granting an increase of pension to William G. Towle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 5324) for the relief of Andrew A. Kelly; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUARLES introduced a bill (S. 5325) granting a pension to Michael Mullin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 5326) granting a pension to Maggie Alice Brady; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 5327) authorizing and empowering Richard Chilcott, a citizen of the United States, to dredge a channel at the mouth of Snake River, at Nome City, in the district of Alaska, to construct wharves for commercial purposes, and to charge tolls for the use of such improvements, under the direction and approval of the Secretary of War; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MCOMAS introduced a bill (S. 5328) for the relief of inspectors of customs who performed double duty; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5329) for the relief of William A. Gordon, administrator of the estate of William D. C. Murdock, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McBRIDE introduced a bill (S. 5330) to extend the privileges provided by an act entitled "An act to amend the statutes in rela-

tion to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

Mr. HAWLEY introduced a joint resolution (S. R. 143) authorizing a reprint of Senate Document No. 425, Fifty-sixth Congress, first session, being the report of the Daughters of the American Revolution; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. THURSTON (by request) submitted an amendment intended to be proposed to the bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes; which was ordered to lie on the table, and be printed.

Mr. SHOUP submitted an amendment providing for an Indian agent at the Lemhi Agency, in Idaho, at a salary of \$1,200, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CHANDLER submitted an amendment providing for the appointment of two clerks of class 2 instead of one clerk of class 2 in the office of the Director of the Mint, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the bill (S. 4300) to increase the efficiency of the military establishment of the United States; which was ordered to lie on the table, and be printed.

LITIGATION IN LABOR TROUBLES.

Mr. THURSTON. I move that the hearings had before the Committee on the Judiciary of the House of Representatives on the bill (H. R. 8917) to limit the meaning of the word "conspiracy" and also the use of "restraining orders and injunctions" as applied to disputes between employers and employees in the District of Columbia and Territories, or engaged in commerce between the several States, District of Columbia, and Territories, and with foreign nations, be printed as a Senate document to accompany the bill (S. 4233) to limit the meaning of the word "conspiracy" and also the use of "restraining orders and injunctions" as applied to disputes between employers and employees in the District of Columbia and Territories, or engaged in commerce between the several States, District of Columbia, and Territories, and with foreign nations. This hearing was had on an important bill, and I desire to have it printed to accompany a similar bill now on our Calendar, reported favorably by the Committee on the Judiciary. It is a small document.

The motion was agreed to.

MONTANA SENATORIAL INVESTIGATION.

The PRESIDENT pro tempore laid before the Senate the following resolution, submitted yesterday by Mr. CHANDLER:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from further consideration of the resolution authorizing the Committee on Privileges and Elections to send for persons and papers in connection with the inquiry concerning the appointments of William A. Clark and Martin Maginnis as Senators from the State of Montana.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. JONES of Arkansas. Mr. President, I have no objection to the resolution being adopted, if the Senate chooses to do so. It seems to me, however, that it is proper for the Senate to understand the effect of the resolution before voting in favor of it.

On Saturday last a resolution authorizing the Committee on Privileges and Elections to send for persons and papers in certain cases was referred to the Committee to Audit and Control the Contingent Expenses of the Senate. On Monday the Senator from New Hampshire [Mr. CHANDLER] inquired of the acting chairman of the committee why the resolution had not been reported back; and since that time he has offered this resolution to discharge the committee from the further consideration of the resolution.

I desire to call the attention of the Senate to the statute governing matters of this kind:

Hereafter no payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate.

I should like to have the Senate bear in mind that in case this resolution is adopted and the committee is discharged from the further consideration of the resolution, it can not be adopted by the Senate without a violation of the law. That is the only section of the statute so far as I know.

Mr. SPOONER. Then does the Senator mean by that that the Senate is entirely subject to the control of the committee, and that if the committee see fit never to report the Senate's hands would be absolutely tied, no matter what the exigency might be?

Mr. JONES of Arkansas. I say the Senate is absolutely controlled by the law, and the law is that no resolution of this kind can be adopted without the sanction of the Committee to Audit and Control the Contingent Expenses of the Senate. If the Senate arbitrarily takes a resolution of this kind out of the hands of the Committee to Audit and Control the Contingent Expenses of the Senate, the Senate can not pass the resolution without violating the law which has been adopted by both Houses and approved by the President, and which is the law of the land. It may be an unwise law, but it is the law.

If, under these circumstances, the Senate chooses to discharge the committee, of course I have nothing more to say.

Mr. HOAR. Mr. President, I do not propose to enter upon the question of the law which the Senator from Arkansas has raised. I think the universal understanding of the Senate has been otherwise. It could not have been expected by anybody that the Senate should be put into the hands of one of its committees, which might refuse to act on a matter which was very important. Suppose there was an expense proposed from the contingent fund to try, if it could be conceived of (I put it merely as a matter of illustration), the Committee on Contingent Expenses for some malefaction, if that could be possible, could that committee arrest the whole inquiry at its will?

But I wish to call the attention of the Senate, and especially of the other side of the Chamber, to the simple proposition involved in this resolution.

Mr. JONES of Arkansas. The Senator means the resolution under consideration proposing to discharge the committee from the further consideration of the former resolution?

Mr. HOAR. I refer to the subject raised by the original resolution. It seems as if there were a likelihood that this might take the form of a political question between the two parties in this Chamber. I do not charge the Senator from Arkansas with any such purpose; I do not suggest any such purpose on his part, and certainly there never has been a political division on such a question heretofore.

Mr. Clark, the Senator who had the credentials from Montana and took his seat, was in his seat. Nobody doubts that. He addressed the Senate after the report of the Committee on Privileges and Elections came in. One of his last utterances in that address was to say that he assured the Senate of something, if I recollect right, on his responsibility as a Senator of the United States. He was then *de facto*, and because *de facto de jure*, until the Senate had acted otherwise, the Senator from Montana. His vote was as good as mine or that of the Senator from Arkansas or any other Senator in the body.

Now, there was in that case no vacancy, as I understand the Constitution and laws. The seat was full. It was rightfully full, subject to the condition subsequent of the action of the Senate holding that he was not lawfully entitled to it. As I understand it, the seat was not then vacant. No action could have been taken by a governor, a lieutenant-governor, or anybody else, to which the existence of a vacancy is a condition, until after his resignation took effect.

That was at a late hour in the afternoon. On the same day, the governor of the State being absent, the lieutenant-governor appointed his successor, declaring that the seat was vacant. As I understand it, that appointment was absolutely null and void if it was made on that day before Mr. Clark resigned. I am told that it was made before Mr. Clark resigned; that it was made and delivered to a son of Mr. Clark early in the day, to take effect after the resignation. There was no vacancy; there was no notice of a future vacancy like that in the Chilton case, and therefore, there having been no appointment after a vacancy, when the governor came back he made one. The gentleman whom the governor undertook to make Senator by that appointment is here demanding his seat, and this committee refuse, if they do refuse, to allow the Senate to see whether the facts presenting that question of law exist or not—whether the vacancy existed before the appointment by the lieutenant-governor or after it.

Now, there may be some Senators here who do not think it makes any difference, or that the doctrine of *omnia rite acta presumuntur* makes the presumption conclusive that if two things are done on the same day but one is conclusively presumed to have taken place first, which will give effect to the transaction. But other Senators do not take that view of the law, so we are entitled to know the fact. Does anybody propose, or any party propose, or any association of gentlemen propose to take Mr. William A. Clark on their shoulders as the pious *Aeneas* did *Anchises* and carry him through all these flames for better or for worse, through good report and evil report, and not allow their associates in the Senate, if they can help it, the ordinary privilege of an investigation before they apply the Constitution and the laws?

It seems to me that that is the whole question.

Mr. JONES of Arkansas. Mr. President, I do not by any means agree with the Senator from Massachusetts that his statement of the case is the whole question. The question presented for the

consideration of the Senate is whether the Committee to Audit and Control the Contingent Expenses of the Senate shall be discharged from the further consideration of the resolution. That is the sole question. This, of course, is intended in the nature of a punishment or a rebuke to that committee for having failed to do its duty, if the resolution is adopted at all.

The resolution went to the committee on Saturday last. On Monday the Senator from New Hampshire [Mr. CHANDLER] called the matter up and inquired of the acting chairman of the committee whether there had been a report, and if not, why not; and he asked him for the reasons given in the committee—given by members of the committee—for their opposition to the adoption of the resolution, if there was such opposition. He further wanted to know why I was not personally present at the meeting of the committee. I had other engagements. It was impossible for me to be there. I advised members of the committee that it was impossible for me to be there, and, as I stated on the floor of the Senate, it was impossible for me to be there on that day or the next day, when I had other engagements which made it impossible for me to be present, but I could be there on Wednesday.

The chairman of the committee, the Senator from Nevada [Mr. JONES], was absent and was telegraphed for by the acting chairman of the committee. He replied to the telegram, asking that the meeting be postponed until to-day, stating that he could be here to-day and that he wanted to be here when the matter came up. He came over from New York, and the committee had a meeting to-day. The matter was up for consideration and discussion, and on the motion of the Senator from West Virginia [Mr. SCOTT] the further consideration of the resolution was postponed until to-morrow, until such time as the reason for passing the resolution should be understood.

I myself made the point in the committee that the Senate by its own action adjourns to-morrow and will not reassemble until the 3d day of January; that on the 2d day of January, the day before the Senate reassembles, the legislature of Montana assembles, and that that legislature is charged with the responsibility of filling the vacancy to which both Mr. Clark and Mr. Maginnis claim to have been appointed.

Now, it seems to me to be a simple impossibility, if we should adopt the resolution now and should confer authority on the Committee on Privileges and Elections to send for persons and papers to-day, that they should send to Montana for as many people as they want to get; and it would be impossible for any report to be made by that committee, even if the committee should sit during the holidays, until after the meeting of the legislature of Montana, which is charged with the filling of the vacancy.

These are the facts which appeared before the committee, and the committee, not being willing to recommend the expenditure of public money without a reasonable cause, wanted to understand what the facts of the case were.

The resolution has been in the hands of the committee only three or four days at the outside. If the Senate believes that the committee has failed to do its duty and that it should be rebuked, then I think the Senate should adopt the pending resolution. If, on the other hand, the Senate believes that the committee has acted reasonably, the resolution ought not to be adopted.

Mr. CHANDLER. Mr. President, this case presents itself in very singular aspects. In the first place, there is no partisanship in connection with the subject on this side of the Chamber. The vacancy in the representation of the State of Montana has certainly existed since the 15th day of May last. Very shortly after Senator Clark retired from the Senate two appointments were made to fill the vacancy. One was made by Lieutenant-Governor Spriggs, of Mr. Clark, who had just vacated the seat. Later Governor Smith telegraphed that the first appointment had been made in collusion and fraud, that he had disregarded it, and had appointed Martin Maginnis.

Now, Mr. President, both William A. Clark and Martin Maginnis are Democrats. Neither is a Republican. Neither has ever been suspected of being a Republican. From the time when these two appointments came into the Senate the Committee on Privileges and Elections has been endeavoring to make an investigation and reach an adjudication on the question if either of these two Democrats should fill the vacancy.

Mr. President, that is the situation. If either of the claimants had been a Republican and I had pursued the case with the same zeal, the Senator from Arkansas would have reproached me with partisanship. Certainly, neither I nor any Senator upon this side of the Chamber can be accused of partisanship because we seek to do the exact duty we owe to the State of Montana, which stands here with only one Senator to represent her interests in this Chamber.

In view of the fact that there is a vacancy and that there are two Democratic claimants to the vacancy, it seems to me that the Senators upon the other side of the Chamber ought to be zealous to have the facts investigated and a determination of the Senate reached whether either of the two claimants shall fill the seat.

In the theory of the law they are outside this door at this minute, asking to come in. I know that Mr. Maginnis, a good and true Montana Democrat, seeks to come in under the appointment of the governor, and, so far as I know, Senator Clark is demanding admission under his credentials from the lieutenant-governor. Is the Senator from Arkansas authorized to disclaim any desire on the part of Senator Clark to fill the present vacancy in the Senate under the appointment of Lieutenant-Governor Spriggs?

Mr. JONES of Arkansas. I have no information whatever on the subject.

Mr. CHANDLER. Then, Mr. President, here they are—two Democratic claimants and a vacancy; and when the Committee on Privileges and Elections undertakes to do its simple duty, from the other side of the Chamber there arises opposition to the investigation.

But, Mr. President, that is not the only singular thing.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. CHANDLER. Certainly.

Mr. TILLMAN. If the Senator will permit a suggestion, if this is purely a Democratic matter—I do not think so myself, it is higher than that; but if it is purely a Democratic quarrel as between two men and we are going to let in an additional Democrat, the interest of the Senator from New Hampshire appears to be rather extraordinary.

Mr. CHANDLER. Mr. President, the insinuation that any Republican on this side of the Chamber would not wish to admit another Democrat into this body if he had a lawful right to come should not come from the Senator from South Carolina. There are not Democrats enough here, perhaps, to represent correctly the principles and measures of the Democratic party.

Mr. TILLMAN. I presume the Senator wants to guy some additional Democrats and make them feel sad, as he has done others among us since the last election.

Mr. CHANDLER. Of course, the Senator did not mean that there was any disposition on my part to treat this subject as a partisan one. I can have no partisan reason for wanting to make this inquiry. I am doing my simple duty as chairman of the committee. The Senator from South Carolina and the Senator from Arkansas know it.

Why is it that for the first time in the history of the Senate we have the Committee to Audit and Control the Contingent Expenses of the Senate embroiling the Senate on the mere question whether a high and important committee of this body shall have the power to send for persons and papers in order to make an investigation which the Senate by resolution has directed us to make; when the claimants to the seat are outside the door, each one expecting to come in? Mr. President, the like of this objection never has been known in the Senate before.

What was the membership of the Committee on Contingent Expenses up to the recent reorganization of the committee? It consisted of three members. One of them was the Senator from Nevada [Mr. JONES], a Populist, I think; another was the Senator from Arkansas [Mr. JONES], a Democrat, and the third was my colleague from New Hampshire [Mr. GALLINGER], the only Republican upon the committee.

Now the Senator from Arkansas says that the Senate of the United States can not spend one dollar of its contingent fund unless he and the Senator from Nevada consent; that we have made a law to that effect; that we legislated ourselves years ago into the hands of the Jones family and have no possible way to get out of it even for the purpose of finding out whether either of two Democrats is entitled to fill the vacancy in this body when both are knocking at the door and wanting to get in.

Mr. President, it is an absurd construction of the rule. The word "sanctioned" in the law means "considered." That is what every Senator knows it means. The Senator from Arkansas knows that is what it means. It never was intended that any such law should be made as would put the control of the contingent expenses of the Senate absolutely by statute into the hands of a majority of the Committee on Contingent Expenses so that it could not be overruled even by the Senate itself. No law could bind the Senate; the law itself does not bind the Senate. It is a very good rule and it ought to be observed; but it gives the Committee on Contingent Expenses no more authority over the appropriations of this body from the contingent fund of the Senate than the Senate chooses to give it.

Now, Mr. President, the condition of the Contingent Expenses Committee had come to be awkward, and at the last reorganization of the committees of this body two members were added, the Senator from West Virginia [Mr. SCOTT] and the Senator from New Jersey [Mr. KEAN], both Republicans, so we have three Republicans to one Democrat and one Populist on the committee. When the resolution first went before that committee, about a week ago, the chairman of the committee being in New York, the Senator from Arkansas, being in town, stayed away from the meet-

ing of the committee, and we have not been able to get a meeting of that committee yet, though the Senator from Nevada is in town, but not within the sacred precincts of the committee.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I beg his pardon and the pardon of the Senate for interrupting him to say that we had a very protracted meeting of the committee this morning and reached a conclusion for the present.

Mr. CHANDLER. Mr. President, the conclusion for the present is not apparent to the Senate. I understand my colleague to mean that the committee think they want further time to consider whether this expenditure should be sanctioned.

Mr. GALLINGER. Precisely, and we are going to have some members, if we can get them, of the Committee on Privileges and Elections appear to state the reasons for this expenditure.

Mr. CHANDLER. It is quite courteous in the committee to try the Committee on Privileges and Elections. I only hope if the Committee on Contingent Expenses succeed in getting the committee to come there that the Committee on Contingent Expenses will not disappear just before the Committee on Privileges and Elections arrive.

Mr. GALLINGER. We have not done so yet.

Mr. CHANDLER. I do not think the extraordinary spectacle has ever been witnessed before in the Senate when, in an attempt to fulfill the direct orders of the Senate, a committee ask for the power to send for persons and papers, the Committee on Contingent Expenses determine to summon the Committee on Privileges and Elections before them, to make a case for spending money in order to try and execute the orders of the Senate.

Mr. SCOTT. May I ask the Senator a question?

Mr. CHANDLER. Certainly.

Mr. SCOTT. I should like to ask the Senator what is the use of having a Committee on Contingent Expenses if they have no duties to perform or no rights? The committee this morning made the request to have a member of the Committee on Privileges and Elections present to-morrow morning for the purpose of having him make a statement as to why an additional expense in this case should be added to the expenses of the United States when the time is so short between the day we adjourn to-morrow and the meeting of the Montana legislature to fill the vacancy. If this was an emergency case and the Senate desired to make the expenditure, and if one member of the committee would so explain to our committee, we would be perfectly willing to grant it. No man would transact his own business in a way different from that, I think.

Mr. CHANDLER. Mr. President, answering the Senator from West Virginia, I would not undertake to say that the Committee to Audit and Control the Contingent Expenses of the Senate has not been or ought not to be a useful committee of this body. I am glad that the committee is giving closer attention to its subjects. I am glad that the committee has been enlarged, and that hereafter the committee proposes to investigate propositions to expend money from the contingent fund. The Senator from Arkansas knows that that is my view of the case, and I congratulate the Senator from West Virginia because, joining the committee, he raises the question in this case.

Mr. SPOONER. Mr. President, will the Senator permit me to interrupt him?

Mr. CHANDLER. The point I make is that it is very inconvenient to have the Committee on Contingent Expenses, for the first time in the whole history of the Senate, give the attention it is now giving to this question of high privilege. I yield to the Senator from Wisconsin.

Mr. SPOONER. I ask the Senator, if it be true that the Senate can not make an investigation, however important the Senate regards it, without the consent of the Committee to Audit and Control the Contingent Expenses of the Senate, whether it would not be wise to enlarge still further the Committee to Audit and Control the Contingent Expenses so as to take in the Senate? Why not liberate ourselves from this apparent thralldom in that way?

Mr. BACON. You would have to change the law.

Mr. SPOONER. I do not think the law requires any change. I have never so understood it.

Mr. CHANDLER. Mr. President, I have no deep feeling on this subject and I have no criticisms to make of the Committee to Audit and Control the Contingent Expenses of the Senate. They followed the custom and practice of the Senate, which has not been a good one. What I do not like is to have this new rule adopted now and placed, not upon me and the committee of which I have the honor to be chairman, but put upon the Senate itself, which has ordered this inquiry.

If the Committee on Contingent Expenses thought there was not time to make the inquiry, then they might have reported back the resolution with the suggestion to the Senate that there is not time to make the inquiry. The course that the committee is pursuing is simply the taking of responsibility by the committee for defeating an investigation which the Senate has directed shall be made.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. CHANDLER. Certainly.

Mr. TILLMAN. Perhaps the Senator from New Hampshire can throw some light on this question if he will let the Senate know what was the cost of the examination made by his committee on this very Clark case last spring. The witnesses from Montana were in the corridors of the Capitol upstairs by the hundred or thousand; I do not know how many. It is a good many miles from here out there. It costs a good deal to bring men from Montana here to be examined, and all that kind of thing. The Montana legislature will act, as the Senator from West Virginia has just said, on the whole subject in a very short while. We are so careless about economy here that it does look to me like there might be some merit in the idea of the Committee on Contingent Expenses taking a little hand in this matter themselves and not let the Senator from New Hampshire have full leeway on the subject.

Mr. CHANDLER. Mr. President, it costs about \$250 to get a witness from Montana here, but it would require very few witnesses to demonstrate the facts.

Mr. TILLMAN. I will ask the Senator, if the accounts have been made up, how much did the other investigation cost?

Mr. CHANDLER. Thirty or forty thousand dollars.

Mr. TILLMAN. What benefit was it to the country?

Mr. HOAR. Very great.

Mr. CHANDLER. The vacant seat in the Senate from Montana answers that question.

Mr. TILLMAN. The Senator from Massachusetts [Mr. HOAR] says the benefit was very great, but it seems that notwithstanding the investigation the State of Montana has gone Democratic, that the result has not been what was anticipated, and the fruit has not been as sweet as some people imagined it would be.

Mr. SCOTT. I should like to ask the Senator from New Hampshire a question.

Mr. CHANDLER. In one moment.

The Senator from South Carolina, in making the suggestion which he has, invites a debate, which I am not inclined to enter into. I am not before the Senate here and now to argue the merits of the case which was tried before the Committee on Privileges and Elections at such length and such expense.

The Senator from South Carolina seems to think we should investigate bribery in connection with a Senatorial election if it is near by and does not cost much, but that if the crime of bribery in the election of a Senator is perpetrated 2,000 miles away and it costs a good deal to investigate it, we should not touch it. That is the force and sense of the remark of the Senator from South Carolina.

Mr. TILLMAN. If the Senator will pardon me, that is not the burden of my argument. It is simply the uselessness of this apparent persecution of a man. I have no sympathy with the methods of Mr. Clark, if the charges which were published in the newspapers against him last year were proven.

Mr. CHANDLER. The Senator asks what good the investigation did. He demands to know that of me, and is introducing an old subject into the debate; but it has nothing more to do with it than the question how we shall make the next apportionment of Representatives in Congress.

Mr. TILLMAN. If this be a mere matter of law, a constitutional question, according to the statement of the Senator, why can not the Senate settle it without any further investigation?

Mr. CHANDLER. The Senate instructed the Committee on Privileges and Elections to make this inquiry, and the question now is whether the Senate will follow that up by giving the committee the authority which they ask for.

I am not going into a discussion of the Clark case. I should be perfectly willing to do so, but Senators would justly rebuke me if I did. However, the Senator from Montana [Mr. CARTER], who is in his seat, will be perfectly willing to discuss, if the Senator from South Carolina wants him to do so, the recent Montana election and the way in which the Democratic victory, of which the Senator from South Carolina has taken occasion to boast in this Chamber, was obtained, but I do not intend to debate that question.

Mr. SCOTT and Mr. TILLMAN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from West Virginia?

Mr. CHANDLER. I do.

Mr. SCOTT. I am not a constitutional lawyer, and I presume I was selected to go upon the Committee to Audit and Control the Contingent Expenses of the Senate because I was a business man and would examine questions coming before the committee from a business standpoint. The first time I had ever met with the committee was on this case. I thought I had a right to know the reason why the Senate was to spend this money. If I am mistaken, of course I want to apologize; but I do think if that com-

mittee has been created for any purpose at all it was to supervise and to inquire into the expenditure of money. If it has not been, I have been mistaken in what I conceive to be my duty.

If the Senator from New Hampshire and the members of the Committee on Privileges and Elections show that they want this investigation—that they can take the subject up and conclude it before there is an election in Montana, and that it is proper and right to expend two or three or four thousand dollars in order to get at the truth—whenever I am satisfied that that is the thing to do I certainly shall vote for that expenditure; otherwise I shall not do it.

Mr. CHANDLER. The Senator from West Virginia is quite right about the duties of his committee. I concur in his statement upon that subject, and I venture to say that the committee has been very much strengthened by the addition of the Senator from West Virginia as a member of it.

Mr. SCOTT. I thank the Senator.

Mr. CHANDLER. I myself welcome, Mr. President, the advent in the committee of the new method of performing its functions.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. CHANDLER. I yield to the Senator from South Carolina next.

Mr. TILLMAN. I merely wish to suggest to the Senator that I would not have brought up the subject or had anything to say about the recent Montana election had it not been for the remark of the Senator from Massachusetts [Mr. HOAR] that the investigation by the Committee on Privileges and Elections had accomplished a great deal. So far as I am concerned, I have never read any of the testimony taken before the committee. I only know that the committee was engaged here by the week and almost by the month, every day, with an army of witnesses, and that the newspapers were full of nauseating details of charges of bribery, and all that kind of thing. I never read the testimony, and never expect to read it.

The only practical issue here in connection with the recent Montana election is whether there was sufficient fraud in that election to invalidate the action of its legislature whenever it does act. I think it is premature for us to enter upon an investigation of the recent election until the legislature sends a Senator here—I mean as the result of that election—to claim a seat. When that occurs, then it will be time to begin a new investigation upon the last election instead of reopening the investigation of a previous election.

Mr. CHANDLER. Then why did the Senator introduce any reference to the new and recent election in Montana?

Mr. TILLMAN. I should not have introduced it except for the reason I have stated, that the Senator from Massachusetts [Mr. HOAR] referred to it. I merely threw out the suggestion that, so far from defeating the man who had been charged with bribery, the State had gone Democratic.

Mr. HOAR. Will the Senator yield to me?

Mr. TILLMAN. I would yield with pleasure if I had the floor, but the Senator from New Hampshire [Mr. CHANDLER] is in possession of the floor.

Mr. CHANDLER. I yield to the Senator from Massachusetts.

Mr. HOAR. The Senator from South Carolina [Mr. TILLMAN], if I understood him, inquired what good the investigation last winter of the claim of the then Senator from Montana to a seat here did; to which I replied from my seat, "Very great." What happened, as I understand it, is this: There was a charge that a man worth as many million dollars as counted in thousands would make some of us think ourselves pretty rich men had purchased, or that his friends had purchased, the entire majority of the legislature of a young State; and without being agreed as to all the details, the committee unanimously held that that fact was proved, not by the committee bringing home guilt to the Senator claiming the seat, but bringing it home to somebody; and for that reason the Senator was not entitled to a seat in the Senate.

I am very sure of the assent of my friend from South Carolina, who, however I may differ with him in regard to policies, I know would not spend or sanction the expenditure of a sixpence for corruption in any public or private matter, and would rather cut off his right hand than do it—I am very sure of his assent to my proposition, that to prevent the perpetration of such a crime is a great public good.

Mr. TILLMAN and Mr. STEWART addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. TILLMAN. Permit me to answer the Senator from Massachusetts. I thank the Senator for his opinion in regard to my own purity of purpose here, and I wish to say that, so far as I can understand the report of that committee, after the investigation I was prepared, if necessary, to vote to unseat Mr. Clark, but when we come down to the practical results of the investigation we find

that the exposure—if you did expose to the satisfaction of the people of Montana the fact that corrupt practices had been used there and that that legislature had been debauched—resulted in nothing more than a Democratic victory. Now, if that be true—what influences were brought to bear I do not know—I do not think that Montana politics have been purified by any investigation we have had, and no practical good has resulted. The recent election could be considered as a repudiation by the people of Montana of the charges made against Senator Clark.

Mr. HOAR. I should like to ask the Senator if he does not agree that the Democratic victory was a great public good? [Laughter.]

Mr. TILLMAN. The Democratic victory in Montana?

Mr. HOAR. Yes.

Mr. TILLMAN. I would not give a snap of my fingers whether or not Montana went Democratic last time, after we lost the Presidential election. [Laughter.]

Mr. GALLINGER addressed the Chair.

Mr. LODGE. Mr. President, the Senate has a special order for 8 o'clock. I am very reluctant to interrupt this debate, but I feel that I must make a motion that the Senate go into executive session.

Mr. GALLINGER. The Senator has not made the motion. I want to say to him that, as I am a member of the Committee to Audit and Control the Contingent Expenses of the Senate, I think I ought to be permitted the right to make a statement before he makes the motion, and I think he will agree with me on that point.

Mr. LODGE. I will certainly not press the motion until the Senator from New Hampshire shall have an opportunity to make his statement, but then I give notice that I must make the motion in justice to other Senators.

BALTIMORE AND POTOMAC RAILROAD COMPANY.

The PRESIDENT pro tempore. With the permission of the Senator from New Hampshire [Mr. GALLINGER], the Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes, which will be read.

The Secretary proceeded to read the amendments of the House of Representatives.

Mr. McMILLAN. I do not think it necessary to read all the amendments of the House of Representatives. I move that the Senate nonconcur in the amendments and ask for a committee of conference.

Mr. BERRY. I did not hear the motion.

Mr. PETTIGREW. I do not believe this bill ought to pass at all, but I want to examine and discuss the amendments. I ask either that the bill go over or that it be referred to the Committee on the District of Columbia.

Mr. McMILLAN. I have moved that the Senate disagree to the amendments of the House of Representatives and ask for a committee of conference.

Mr. PETTIGREW. That is what I object to—disagreeing to the amendments of the House of Representatives and asking for a committee of conference. I want to examine the amendments. Perhaps we ought to agree to them, but I do not believe the bill ever ought to pass. It appropriates between 11 and 12 acres of a park for railroad purposes. I do not believe the people living in that locality favor any such proposition or that such an appropriation ought to be made. I want an opportunity to examine the amendments and discuss them before they go to a committee of conference.

I move to refer the bill and amendments to the Committee on the District of Columbia.

Mr. McMILLAN. I move that the Senate nonconcur in the amendments of the House of Representatives and ask for a conference, and that the Chair appoint the conferees on the part of the Senate.

Mr. LODGE. Mr. President, I yielded to the Senator from New Hampshire [Mr. GALLINGER], who desired, on the part of the Committee to Audit and Control the Contingent Expenses of the Senate, to make a personal explanation. I can not possibly withhold my motion for a debate on the Pennsylvania Railroad bill; I can not do so in justice to other Senators.

The PRESIDENT pro tempore. With the leave of the Senate, the Chair will withdraw the bill.

Mr. McMILLAN. I have no objection to having it referred to the Committee on the District of Columbia and printed.

Mr. ALDRICH. Let the bill and amendments be printed and referred to the Committee on the District of Columbia.

The PRESIDENT pro tempore. The bill and amendments will be referred to the Committee on the District of Columbia and printed, in the absence of objection.

BALTIMORE AND OHIO RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2329) to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes; which were referred to the Committee on the District of Columbia, and ordered to be printed.

MONTANA SENATORIAL INVESTIGATION.

The Senate resumed the consideration of the resolution submitted yesterday by Mr. CHANDLER, proposing to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of the resolution authorizing the Committee on Privileges and Elections to send for persons and papers in connection with the inquiry concerning the appointments of William A. Clark and Martin Maginnis as Senator from the State of Montana.

Mr. GALLINGER. Mr. President, I do not rise to make a personal explanation, as the Senator from Massachusetts [Mr. LODGE] inadvertently suggested, but for the purpose of calling attention to the status of the question that has been so earnestly and warmly discussed.

On Saturday last a resolution, which proposed to take from the contingent fund an indefinite sum of money, was referred to that committee. In the absence of the Senator from Nevada [Mr. JONES], I was acting chairman of the committee by a vote of the committee. I called a meeting of the committee for Monday. The Senator from Arkansas [Mr. JONES] advised us in advance of his inability to be present, and requested that no action should be taken, saying to the committee that the earliest moment at which he could attend would be on Wednesday. I then called a meeting of the committee for Wednesday morning. In the meantime I had telegraphed to the chairman of the committee, who was in New York, unavoidably absent attending a sick daughter, that his presence was desired. He responded by wire that he could not be here until this morning. I consulted the other members of the committee, and we unanimously agreed that it was the proper and courteous thing to postpone the meeting until this morning; which we did. This morning we held a meeting, and I will state in a moment the conclusion that was reached.

I have been a member of the Committee to Audit and Control the Contingent Expenses of the Senate for a good while, and I have performed a good deal of clerical work as a member of that committee.

Mr. JONES of Arkansas. Will the Senator allow me?

Mr. GALLINGER. Certainly.

Mr. JONES of Arkansas. In view of the statement made by the Senator's colleague, I ask if the Senator will state how many members of the committee were present at the hearing to-day?

Mr. GALLINGER. I will say they were all present.

Mr. President, as I was saying, I have performed a great deal of clerical work, both here and at my home, as a member of that committee, but I never have supposed the committee was simply a committee of clerks. I supposed we had some power, some jurisdiction over something beyond the mere matter of writing our names on the backs of bills which were perfunctorily approved, or of going and asking the financial clerk of the Senate whether or not there was any money in the contingent fund. I have taken it for granted that we had other powers beyond that. I came to that conclusion and investigation from reading Rule XXV.

Mr. SPOONER. On what page?

Mr. GALLINGER. On page 21 of the Standing Rules of the Senate. That rule provides for the appointment of various committees—a Committee on Appropriations, a Committee on Finance, a Committee on Pensions, a Committee on the Census, a Committee on Coast Defenses, a Committee on the District of Columbia, etc.

It is further provided that to these committees shall be referred matters relating to the subjects that they are to consider; but no one would for a moment contend that those committees must approve and report back favorably all matters referred to them.

Then, a Committee to Audit and Control the Contingent Expenses of the Senate is provided for, as follows:

A Committee to Audit and Control the Contingent Expenses of the Senate, to consist of three Senators—

as the rule originally provided, but the number has been enlarged to five—

to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

I have never supposed that that committee was different from the other committees of this body. The Committee on Appropriations receives bills that are sent to it and approves or disapproves them; the Committee on the District of Columbia does the same; the Committee on Pensions does the same; and I supposed the Committee to Audit and Control the Contingent Expenses of

the Senate had a right to inquire into the advisability of appropriating money from the contingent fund for certain matters, whether for the appointment of special committees or otherwise.

I want to say here that matters have come to that committee which have not been approved. Resolutions have come there providing for the appropriation of money out of the contingent fund that have been asked by standing committees of this Senate, and the Committee on Contingent Expenses has not approved the propositions and the Senate has not voted the money, so that this is not entirely a new proposition, so far as the action of the committee is concerned. In addition to that provision of the rule, Mr. President, we have a statute governing the action of this committee, and it is the only committee of this body that is governed by statute. That statute reads:

Hereafter no payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate.

The statute goes on further to say that no money shall be paid—

from the contingent fund of the House of Representatives unless sanctioned by the Committee on Accounts of the House of Representatives.

Mr. President, I am not going to insist that I myself know what the word "sanction" means, but I go to the Standard Dictionary for my information, and I find that it says:

Sanction: 1. To approve authoritatively; render valid by assent or concurrence; confirm; ratify; to give consent or support to; regard with favor or approval; countenance, etc.

Now, Mr. President, if the word "sanction" means anything different from that, I should be glad if some Senator would tell me what it does mean, and I want to appeal to the distinguished Senator from Massachusetts [Mr. HOAR], who is an authority on the use of language, as to what construction he would put on the word "sanction" in the law governing the action of the Committee on Contingent Expenses, if he chooses to make the statement.

Mr. HOAR. I should be glad to do so if my colleague would permit, but he has a motion pending.

Mr. GALLINGER. I have the floor, and I do not think I can be taken from it.

Mr. LODGE. I yielded the floor to the Senator from New Hampshire.

Mr. GALLINGER. Exactly; and I have it.

Mr. HOAR. I would say to the Senator that I would like three or four minutes to make the statement, but I do not think I ought to do so at this precise time, in view of the motion which my colleague desires to press. I will do so, however, very soon.

Mr. GALLINGER. Very well; I will waive that, of course. The Senator is privileged to make it or not.

That is my construction of the meaning of the word "sanction," and I am confirmed in that by very good authority, which I have quoted.

Mr. President, the Committee to Audit and Control the Contingent Expenses of the Senate met this morning, with all the members of the committee present, presided over by the chairman of the committee. Personally I was very happy to have him there, because I have not felt like taking any special responsibility in this matter, and indeed it is very distasteful to me to say a single word on the subject. We went over this subject with considerable care. It is not a partisan question so far as the committee is concerned; certainly not so far as I am concerned. I am not here to say a word in criticism of the Committee on Privileges and Elections for the conclusion they reached in the so-called Clark case; neither am I here to say anything offensive to Mr. Clark, who was a member of this body, and with whom I served on two committees; but I do want to say that the Committee to Audit and Control the Contingent Expenses of the Senate has approached this matter in a nonpartisan spirit for the purpose of simply doing their duty.

If all the Committee to Audit and Control the Contingent Expenses of the Senate has to do as a committee is to inquire of Mr. Nixon, the financial clerk, whether there is money in the contingent fund, I want to retire from that committee, because I can use my time to much better advantage than that. A clerk or a messenger can do that quite as well as five Senators.

The committee, after very careful consideration of the question, came to the conclusion that it was important to ascertain, first, the necessity for this expenditure. They concluded that it could be ascertained by asking some member of the Committee on Privileges and Elections to make a statement to the committee, and in the next place to ascertain what construction of this rule was placed upon it by the other body, the other body having a committee called the Committee on Accounts, which has precisely the same jurisdiction over the contingent fund of the House as the Committee to Audit and Control the Contingent Expenses of the Senate has over the contingent fund of the Senate. That is all there is to it.

The committee adjourned to meet to-morrow. What action will be taken to-morrow I can not say. I shall not be able to be present at the meeting, as I propose to leave the city early in the morning; but I do wish to say that the committee, so far as I am

concerned—and I think I speak for the committee as a committee—have no disposition whatever to dodge or to evade this question; but they have had a disposition to perform their duty and exercise their prerogative as a standing committee of the Senate, and not to have a matter railroaded over their heads simply because somebody wants to have passed a resolution that is properly in the hands of the committee and which is receiving consideration. If the Senate chooses to take it out of the hands of the committee that is the business of the Senate, and the committee, I am sure, will bow very gracefully to any decision the Senate may reach in regard to it.

Mr. LODGE. I now move that the Senate proceed to the consideration of executive business.

Mr. CARTER. I ask the Senator from Massachusetts to withhold that motion for five seconds, to the end that I may address myself to this question.

Mr. TELLER. I rise to a question of order. This whole debate is in violation of an agreement of the Senate. It is not the business that we anticipated was to take place in the morning hour.

The PRESIDING OFFICER (Mr. BEVERIDGE in the chair). Unless the Senator from Massachusetts yields, the Chair must put his motion that the Senate proceed to the consideration of executive business. Does the Senator from Massachusetts yield?

Mr. CARTER. Mr. President—

The PRESIDING OFFICER. The Senator from Massachusetts has the floor. Does he yield? If not, the Chair will be obliged to put the question on his motion.

Mr. CARTER. I ask the Senator from Massachusetts to yield to me.

Mr. LODGE. If I may be allowed to say a word, as I have the floor, I believe—

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. LODGE. Everybody else is talking, and I am a little doubtful whether I have the floor or not.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. LODGE. Well, Mr. President, it is very apparent that this debate will go on from one point to another. I do not want to interfere with any Senator who desires to speak upon the pending question; but I am charged with carrying out the agreement of the Senate, and I do not feel that I ought to withhold the motion for an executive session.

Mr. CARTER. May I ask the Senator what the agreement is to which he refers?

Mr. COCKRELL. Regular order, Mr. President.

Mr. LODGE. There was a special order to vote at 3 o'clock.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. LODGE] moves that the Senate proceed to the consideration of executive business.

Mr. CARTER. I have requested the Senator from Massachusetts to yield to me for a question.

The PRESIDING OFFICER. And he has refused, as the Chair understands.

Mr. LODGE. I will yield to the Senator, of course, for a question.

Mr. CARTER. I desire to ask the Senator from Massachusetts in what particular the present proceeding is violating any unanimous-consent agreement or order of business?

Mr. LODGE. Because it was understood that we should go into executive session immediately after the conclusion of the routine morning business. This debate has carried us on until now it is twenty minutes before 2 o'clock.

Mr. TELLER. It has gone on for more than an hour.

Mr. CHANDLER. This is part of the morning business.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. I will yield to the Senator from New Hampshire to make a request for unanimous consent.

Mr. CHANDLER. I request that the further consideration of this resolution may be postponed until after the executive session this afternoon.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the consideration of the present question be postponed until after the conclusion of the executive session this afternoon. Is there objection?

Mr. JONES of Arkansas. I object.

The PRESIDING OFFICER. Objection is made.

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and fifty minutes spent in executive session the doors were reopened.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I give notice that to-morrow morning, after the routine morning business, I will ask the Senate to take up for consideration the House amendment to Senate bill No. 4300, to increase the efficiency of the military establishment of the United States.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 21, 1900, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 20, 1900.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. Harry Lee, to be a captain in the United States Marine Corps from the 23d day of July, 1900.

First Lieut. Frederick H. Delano, to be a captain in the United States Marine Corps from the 23d day of July, 1900.

REGISTER OF LAND OFFICE.

Albert Wheelon, of Pierre, S. Dak., to be register of the land office at Pierre, S. Dak.

RECEIVER OF PUBLIC MONEYS.

Henry E. Cutting, of Pierre, S. Dak., to be receiver of public moneys at Pierre, S. Dak.

COLLECTOR OF CUSTOMS.

William Frye Tibbetts, of Alabama, to be collector of customs for the district of Mobile, in the State of Alabama.

POSTMASTERS.

John W. Hedley, to be postmaster at Quanah, Hardeman County, Tex.

C. S. Bodenhamer, to be postmaster at Wharton, Wharton County, Tex.

Jacob M. Harrell, to be postmaster at Manor, Travis County, Tex.

William L. Rogers, to be postmaster at Conroe, Montgomery County, Tex.

John D. Massey, to be postmaster at Smithfield, Johnston County, N. C.

John M. Hickey, to be postmaster at Henderson, Rusk County, Tex.

Charles Real, to be postmaster at Kerrville, Kerr County, Tex.

Joshua Cooke, jr., to be postmaster at Longview, Gregg County, Tex.

Charles H. Hurt, to be postmaster at Barry, Pike County, Ill.

Horace Haldeman, to be postmaster at Bement, Piatt County, Ill.

Swan J. Chilberg, to be postmaster at Cambridge, Henry County, Ill.

Henry C. Bogue, to be postmaster at Vermont, Fulton County, Ill.

Nehemiah J. Knipple, to be postmaster at Buda, Bureau County, Ill.

Thomas J. Wimmer, to be postmaster at Cerro Gordo, Piatt County, Ill.

John Buchanan, to be postmaster at Eagle Grove, Wright County, Iowa.

Fremont Young, to be postmaster at Faulkton, Faulk County, S. Dak.

George W. Crane, to be postmaster at Fort Benton, Choteau County, Mont.

James Schroeder, to be postmaster at Guttenberg, Clayton County, Iowa.

Reuben F. Price, to be postmaster at Milford, Dickinson County, Iowa.

Harper W. Wilson, to be postmaster at Audubon, Audubon County, Iowa.

John G. Beal, to be postmaster at Manning, Carroll County, Iowa.

Joseph A. Farrell, to be postmaster at Mason City, Cerro Gordo County, Iowa.

Ross A. Nicholson, to be postmaster at New Sharon, Mahaska County, Iowa.

Lewis A. Skiff, to be postmaster at Middlebury, Addison County, Vt.

Robert J. Mitchell, to be postmaster at Quincy, Gadsden County, Fla.

George J. Arnow, to be postmaster at Gainesville, Alachua County, Fla.

Luther Severance, to be postmaster at Hilo, island of Hawaii, Hawaii Territory.

Joseph M. Oat, to be postmaster at Honolulu, island of Oahu, Hawaii Territory.

Lyman P. Bailey, to be postmaster at Putney, Windham County, Vt.

John Redd, to be postmaster at Bolivar, Hardeman County, Tenn.

Susie E. Taylor, to be postmaster at Lake Providence, East Carroll Parish, La.

Houston T. Estes, to be postmaster at Muskogee (late Muscogee), Creek Nation, Ind. T.

Frederick B. Powell, to be postmaster at Amityville, Suffolk County, N. Y.

George W. Belton, to be postmaster at Whitestone, Queens County, N. Y.

Richard H. Smith, to be postmaster at Mandan, Morton County, N. Dak.

William E. Templeton, to be postmaster at Excelsior Springs, Clay County, Mo.

Frank D. W. Arnold, to be postmaster at Lamar, Barton County, Mo.

Edward R. Williams, to be postmaster at Richmond, Ray County, Mo.

Maude McGill, to be postmaster at Oswego, Labette County, Kans.

Elliott Wood, to be postmaster at Winthrop, Kennebec County, Me.

Edgar W. Prentiss, to be postmaster at Bethany, Harrison County, Mo.

Alfred R. Booth, to be postmaster at Paso Robles, San Luis Obispo County, Cal.

George F. McGinnis, to be postmaster at Indianapolis, Marion County, Ind.

John Walter Lowry, to be postmaster at Knightstown, Henry County, Ind.

Karl Spinner, to be postmaster at Green River, Sweetwater County, Wyo.

Gustave Jensen, to be postmaster at Saratoga, Carbon County, Wyo.

Elias M. Williams, to be postmaster at Clifton, Graham County, Ariz.

George C. Watson, to be postmaster at New Concord, Muskingum County, Ohio.

Velosco J. Knapp, to be postmaster at Anacortes, Skagit County, Wash.

Howard S. Datesman, to be postmaster at Douglas, Converse County, Wyo.

William H. Austin, to be postmaster at Franklin, Franklin County, Nebr.

Charles J. Sweet, to be postmaster at Black River, Jefferson County, N. Y.

John A. Simon, to be postmaster at Queens, Queens County, N. Y.

Frank E. Bardwell, to be postmaster at Excelsior, Hennepin County, Minn.

William B. Anderson, to be postmaster at Hopkins, Hennepin County, Minn.

Melvin W. Caster, to be postmaster at Clayton, St. Louis County, Mo.

Thomas B. Lawler, to be postmaster at Ensley, Jefferson County, Ala.

Charles A. Bills, to be postmaster at Dunsmuir, Siskiyou County, Cal.

Montrose E. Hill, to be postmaster at Old Orchard, York County, Me.

Robert P. Brown, to be postmaster at West New Brighton, Richmond County, N. Y.

Walter J. Raley, to be postmaster at Kent, Portage County, Ohio.

William B. Wallace, to be postmaster at Oxford, Butler County, Ohio.

Charles Whitehead, to be postmaster at South River, Middlesex County, N. J.

Arthur C. Agan, to be postmaster at Fayetteville, Onondaga County, N. Y.

George A. McKinnon, to be postmaster at Sidney, Delaware County, N. Y.

Allison S. Pitts, to be postmaster at Hattiesburg, Perry County, Miss.

Edward M. Scott, to be postmaster at Rosedale, Bolivar County, Miss.

James R. Dyer, to be postmaster at Ashgrove, Greene County, Mo.

Herman A. Wyckoff, to be postmaster at Pontiac, Oakland County, Mich.

David J. Price, to be postmaster at Lake Crystal, Blue Earth County, Minn.

Nels C. Nelson, to be postmaster at Two Harbors, Lake County, Minn.

Albert W. Durkee, to be postmaster at Greeley, Weld County, Colo.

Jesse T. Sharpe, to be postmaster at Seaford, Sussex County, Del.

George Cushing, to be postmaster at Hingham, Plymouth County, Mass.

George E. Hartson, to be postmaster at Mount Vernon, Skagit County, Wash.

Dora Crook, to be postmaster at Jacksonville, Calhoun County, Ala.

John J. C. Barber, to be postmaster at Juneau, Territory of Alaska.

Rufus Waggener, to be postmaster at Hillsboro, Washington County, Oreg.

Nathaniel H. Brown, to be postmaster at East Greenwich, Kent County, R. I.

Edward W. Jones, to be postmaster at River Point, Kent County, R. I.

David Redfield, to be postmaster at Ardmore, Chickasaw Nation, Ind. T.

Guido C. Hinchman, to be postmaster at Dover, Morris County, N. J.

Homer C. Atwell, to be postmaster at Forest Grove, Washington County, Oreg.

Mary H. Ricketts, to be postmaster at Waverly, Humphreys County, Tenn.

Eber S. Andrews, to be postmaster at Williamston, Ingham County, Mich.

George L. Merguire, to be postmaster at Palo Alto, Santa Clara County, Cal.

Burgess W. Witt, to be postmaster at Mossy Creek, Jefferson County, Tenn.

W. W. Hamilton, to be postmaster at Bramwell, Mercer County, W. Va.

Jonn M. Righter, to be postmaster at Cambria, Weston County, Wyo.

Abel W. Severance, to be postmaster at Tillamook, Tillamook County, Oreg.

Ebenezer M. Wells, to be postmaster at Cheraw, Chesterfield County, S. C.

Joseph B. Schade, to be postmaster at Lawrenceburg, Lawrence County, Tenn.

Charles C. Marsh, to be postmaster at Shawnee, Perry County, Ohio.

Joseph A. Randolph, to be postmaster at Waukomis, Garfield County, Territory of Oklahoma.

Dick J. Wilcox, to be postmaster at Lakeview, Lake County, Oreg.

Saadi M. Johnstone, to be postmaster at Woodside, Queens County, N. Y.

Frank A. Geesey, to be postmaster at Archbold, Fulton County, Ohio.

Elias B. Aldrich, to be postmaster at North Amherst, Lorain County, Ohio.

Charles R. Suydam, to be postmaster at Belmont, Middlesex County, Mass.

William T. Britton, to be postmaster at Bloomington, Franklin County, Nebr.

Jay Jackson, to be postmaster at Pine Plains, Dutchess County, N. Y.

Charles Hulbert Bishop, to be postmaster at Lihue, Kauai Island, Hawaii Territory.

John B. Jones, to be postmaster at Lehigh, Choctaw Nation, Ind. T.

Henry Metz, to be postmaster at Tonganoxie, Leavenworth County, Kans.

Mary E. Hughey, to be postmaster at Warren, Bradley County, Ark.

Alexander P. Merrill, to be postmaster at Campbell, Santa Clara County, Cal.

Arthur Waal, to be postmaster at Lahaina, Maui Island, Hawaii Territory.

James M. Ragan, to be postmaster at Oxford, Calhoun County, Ala.

Charles M. Lehman, to be postmaster at Black Rock, Lawrence County, Ark.

Thomas B. Murphy, to be postmaster at Osceola, Mississippi County, Ark.

George Summers, to be postmaster at Prineville, Cook County, Oreg.

Frank G. Jewett, to be postmaster at Sumpter, Baker County, Oreg.

Alvin F. Miller, to be postmaster at Valley Falls, Providence County, R. I.

Mary A. Milligan, to be postmaster at Hope, Steele County, N. Dak.

Alfred Noecker, to be postmaster at Greenwich, Huron County, Ohio.

William T. Griffith, to be postmaster at Mingo Junction, Jefferson County, Ohio.

Thomas Graham, to be postmaster at Point Pleasant, Ocean County, N. J.

Fred F. Hawley, to be postmaster at Caldwell, Warren County, N. Y.

Richard G. Bennett, to be postmaster at Tuckahoe, Westchester County, N. Y.

Jacob P. Hazen, to be postmaster at Shirley, Middlesex County, Mass.

John H. Bryant, to be postmaster at Burlington Junction, Nodaway County, Mo.

Reuben Abel, to be postmaster at Bernardsville, Somerset County, N. J.

Orlando Rogers, to be postmaster at Independence, Teller County, Colo.

Samuel W. Maytubby, to be postmaster at Caddo, Choctaw Nation, Ind. T.

Rezin B. Boulden, to be postmaster at Millersburg, Bourbon County, Ky.

Jane E. Loveland, to be postmaster at Menlo Park, San Mateo County, Cal.

George G. Taylor, to be postmaster at Mountain View, Santa Clara County, Cal.

Ralph N. Hill, to be postmaster at Oxnard, Ventura County, Cal.

Elmer L. Stevens, to be postmaster at Seymour, in the county of Baylor and State of Texas.

Ramon Alfonso Rivera, to be postmaster at Arecibo, P. R.

Lawrence R. Watts, to be postmaster at London, in the county of Madison and State of Ohio.

Grenville Reed, to be postmaster at Astoria, in the county of Clatsop and State of Oregon.

Joseph C. Manning, to be postmaster at Alexander City, in the county of Tallapoosa and State of Alabama.

T. F. Berner, to be postmaster at Henrietta, in the county of Clay and State of Texas.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 20, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read.

CORRECTIONS.

Mr. GAINES. Mr. Speaker, I was present on yesterday, but was paired with the gentleman from Texas, Mr. HAWLEY, but I am noted as not present.

The SPEAKER. Did the gentleman answer "present?"

Mr. GAINES. No, sir; but I was here, though.

The SPEAKER. The gentleman will get the benefit of his statement, and the RECORD will show it. It is not a matter for correction of the Journal.

Mr. FITZGERALD of New York. Mr. Speaker, on yesterday I was present and voted present. I was paired with the gentleman from New York, Mr. O'GRADY, and I would like that fact noted in the RECORD.

The SPEAKER. The Chair did not understand the gentleman; there was so much confusion in the House.

Mr. FITZGERALD of New York. On yesterday I voted present on the passage of the bill, being paired with the gentleman from New York, Mr. O'GRADY, and I would like the pair noted in the RECORD.

The SPEAKER. The gentleman was marked "present," as the Chair understands.

Mr. FITZGERALD of New York. I was present, but I wish the pair noted.

The SPEAKER. Was the gentleman's pair noted the day before?

Mr. FITZGERALD of New York. No; it was not.

The SPEAKER. The RECORD will be made to show the situation.

Without objection, the Journal will stand approved.

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 12904) making appropriations for the Indian service for the next fiscal year.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the

Whole House on the state of the Union, with Mr. TAWNEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of House bill 12904 (the Indian appropriation bill), and the Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SHERMAN. Mr. Chairman, I have had no request from this side of the House, and my colleague on the committee, the gentleman from Arkansas [Mr. LITTLE], the senior member of the minority of the committee, has had none on that side, for general debate. I wish to say but a single word in explanation of the bill before asking that we proceed with the reading of it by sections.

The bill carries appropriations aggregating in round numbers a little over three-fourths of a million dollars more than the same bill for last year. The main items of increase are one million and a half of dollars appropriated under the provisions of the Kiowa treaty which was ratified at the last session of Congress, and also an appropriation of \$425,000 to carry out the provisions of the treaty with the Fort Hall Indians, which treaty was also ratified at the last session of Congress.

The amount appropriated for schools is substantially the same as was appropriated last year. The amount appropriated for gratuitous support is less by a trifle—\$20,000 or \$30,000—than it was last year. The various changes, the increases and decreases from last year's appropriations and from the estimates for this year, are indicated in the report, copies of which will be found at the desk. The bill carries appropriations amounting to \$200,000 less than the estimates.

Mr. CURTIS. I suggest to the chairman of the committee [Mr. SHERMAN] that while this sum of \$1,500,000 is appropriated, no part of it is to be paid out. It is simply deposited in the Treasury and remains there for the benefit of these Indians.

Mr. SHERMAN. Yes; and that is true also of the \$425,000. It is simply deposited in the Treasury with other Indian funds, and interest at the rate of 5 per cent is paid to the Indians for their support. My colleague on the committee, the gentleman from Kansas [Mr. CURTIS], suggests to me that as a matter of fact the money paid out of the Treasury will be less by nearly a million dollars than it was last year.

Mr. RAY of New York. Mr. Chairman, I desire to call the attention of the chairman of the committee to certain matters. In the Indian appropriation bill of last year—I mean the bill passed at the first session of this Congress—it was provided that—

Hereafter the clerks of the district courts in the Indian Territory shall account for and pay into the Treasury of the United States all fees collected in excess of \$1,000 per year; all settlements to be made in accordance with such rules and regulations as the Attorney-General may prescribe.

Now, that provision changed existing law in regard to the fees and allowances of clerks in the Indian Territory. The clerk of that district made to me a statement which I will ask unanimous consent to have inserted in the RECORD as part of my remarks, without taking time to read it.

The CHAIRMAN. Is there objection to printing the statement in the RECORD? The Chair hears none.

The statement is as follows:

Statement of conditions now existing in the United States clerk's office for the northern district of the Indian Territory.

The act of May 31, 1900, Indian appropriation bill, providing that the clerks of the United States courts of the Indian Territory account for and pay into the Treasury of the United States all fees earned in excess of \$1,000, makes the net income to said clerks (with the additional salary of \$3,000 allowed by law) \$4,000 per annum.

The act above referred to does not carry with it any provisions for the maintenance of said office, such as additional clerk hire, record books, stationery, and traveling expenses of said clerks in their attendance upon court, which are all necessary expenses.

Under the present conditions the clerk of the northern district is receiving \$1,000 per annum and expending \$4,400 for the maintenance of his office, as follows, to wit: For necessary clerk hire, \$3,600; for books and stationery, \$400; for traveling expenses in attendance on courts, \$400; making a net loss of \$400 per annum.

Under the provision as proposed the compensation and expenses per annum will be as follows, to wit: Salary allowed by law, \$3,000; fees to be retained, \$7,000 per annum; making the total compensation of \$10,000 per annum. Expenditures as follows, to wit: Additional clerk hire, \$3,600; record books and stationery, \$400; traveling expenses, \$400; making the annual expenses \$4,400 and leaving a net compensation to said clerk of \$5,600 per annum.

CHAS. A. DAVIDSON,
Clerk United States Court.

Mr. RAY of New York. The clerk stated to me that under the provision to which I have referred he is paying out \$400 more

than he is receiving under the provisions of the existing law, and he gave the items of his expenditure.

I have had some conversation with the chairman of the Committee on Indian Affairs [Mr. SHERMAN] in which he has stated he intends to correct that error, or he thinks that he has done so. I sent the gentlemen who called on me to the chairman of that committee, and I suppose some provision on this subject has been made. I wish to ask the chairman of the committee what correction of this matter he has made in the bill.

Mr. SHERMAN. Mr. Chairman, the change in the statute relating to these clerks was made upon the appropriation bill last year on the written representation of certain United States officials in the Indian Territory that the compensation received by the clerks under the then existing statute was excessive. Being satisfied of the correctness of that statement we changed the law. The clerks came to Washington at the beginning of this session, and first visited my colleague [Mr. RAY of New York], the chairman of the Judiciary Committee—which it was perfectly proper for them to do—and after consultation with him, and after hearing these clerks and looking over with care their written statement, which I have here and which I will more fully explain when we reach that section in the bill, if it be desired, we propose in this bill to amend the act of last year so as to provide what we believe, from the officers themselves and from the statements of others conversant with the conditions and the facts down there, will give them fair compensation and a reasonable sum of money for the disposition of the business of their courts in a proper way. The provision is found on page 34 of the bill.

Mr. RAY of New York. What line?

Mr. SHERMAN. Line 22.

Mr. RAY of New York. Is the gentleman satisfied that that will correct the matter?

Mr. SHERMAN. Oh, yes; there is no doubt about that. It fixes the clerks' compensation at a fair if not generous amount, with ample funds to pay all the contingent expenses of their offices. It does not give them by a considerable sum the same compensation they were receiving before the enactment of last year.

Mr. RAY of New York. I am willing to concede that before the provision of last year their pay was too large and that there should be a reduction.

Mr. SHERMAN. Mr. Chairman, this is a very substantial reduction, and yet is an increase over the provisions of the last year's law.

Mr. RAY of New York. Could you give to the House the probable compensation these officials will receive under this bill?

Mr. SHERMAN. The compensation, in my judgment, from the statements made to us by the clerks, and which I hold in my hand, would be somewhere from \$3,000 to \$5,000, probably nearer \$4,000 and not over \$5,000.

Mr. CURTIS. And under this provision they will return to the Treasury about \$3,500 a year on the average.

Mr. SHAFROTH. I would like to ask the gentleman what changes are made in existing law by this bill. Are any made?

Mr. SHERMAN. Yes, there are some.

Mr. SHAFROTH. Will the gentleman please state what they are?

Mr. SHERMAN. If the gentleman will send for a copy of the report, or examine the bill, he will find them set forth fully in both.

Mr. RAY of New York. And the matter discussed by the chairman of the committee and myself for the last five minutes is also a change in existing law.

Mr. SHERMAN. Oh, yes; it is one of these provisions.

Mr. RAY of New York. But it is one of those matters that ought to be corrected here—

Mr. CURTIS. It is for the purpose of righting a wrong done to these clerks in the last appropriation bill.

Mr. SHERMAN. And under this statement of facts.

Mr. RAY of New York. Unquestionably, and the wrong ought to be righted.

Mr. LACEY. Mr. Chairman, I was not present when this section was considered in the committee. But I call the attention of the gentleman to the words on page 35, line 7—

all other fees—

and ask him what the meaning is in that connection?

Mr. SHERMAN. That means the provision for fees they receive for filing chattel mortgages, issuing marriage certificates, and so on. We mean the fees arising from such official acts as I have stated, and the like, which are required to be performed by the clerks of the courts of the Indian Territory and not by United States clerks elsewhere.

Mr. LACEY. What do you mean by "the like of that?"

Mr. SHERMAN. Well, I mean fees arising from the recording of chattel mortgages, issuing marriage licenses or certificates, and so on.

Mr. LACEY. Does not the gentleman think that more satisfaction would result by requiring the payment of all fees into the

Treasury Department and let the allowances be paid by the Department to these officials?

Mr. SHERMAN. That was part of our bill of last year. That seems to have been unsatisfactory, and the statement of the clerks is that under that provision useless labor was given them in the first place; and secondly, it reduced their pay to a figure where, as a matter of fact, they had perhaps been performing services since the 31st of last May without compensation at all. It took all the money that they received to pay the running expenses of the offices.

Mr. LACEY. Of course, that is not right.

Mr. RAY of New York. Certainly not.

Mr. LACEY. But we have been over the whole question in the reform bill, considered by the Judiciary Committee, as to the fees of clerks and marshals in other matters. It strikes me that here is an entering wedge to open up the same vice in the Indian Territory. Now, it seems to me that it would be very much better that they should pay all the money into the Treasury and then have a reasonable allowance made to them for expenses.

Mr. CURTIS. Do you think fees should be paid into the Treasury which are collected by the clerks for performing duties which other clerks are not required to perform under the law?

Mr. LACEY. There is no work done there not required by law.

Mr. CURTIS. That is true; but there is a great deal of work performed by the clerks in the Indian Territory which other United States clerks are not required to perform.

Now, instead of establishing new offices and paying for the work that must be done, the law requires it to be done by the clerks of the district courts, such as issuing marriage licenses, recording chattel mortgages, and matters of that kind; also, certain probate work, which is done by the probate judges in other parts of the country. These men certainly ought to have some compensation for performing work of that character. The committee thought it proper to modify the law of last year, which seemed to have been enacted by mistake. It was an injustice to the clerks. If the present law is not changed, the clerks will be compelled to perform work not required of other clerks throughout the country.

Mr. LACEY. The point I wish to make, and I would like time to discuss the matter—

Mr. SHERMAN. I will yield to the gentleman from Iowa such time as he may desire.

Mr. SHAFROTH. How much is paid to these clerks under this bill?

Mr. CURTIS. Three thousand dollars, and the other clerks of the United States district courts receive three thousand five hundred.

Now, it is estimated that the salary allowed by law, \$3,000, and the extra fees they retain will pay them between three thousand five hundred and four thousand dollars. One of them may perhaps get a little over \$4,000 and one will receive something less. That is according to the showing made to our committee, and which we believe to be correct.

Mr. SHAFROTH. Do these men who receive \$3,000 do as much as those who receive \$3,500?

Mr. CURTIS. They perform much more work.

Mr. GILLET of Massachusetts. What is the reason for giving larger salary instead of continuing the fees?

Mr. CURTIS. I will state to the gentleman that it will only be for a short time. The Territory will be provided with registers and probate judges within a short time, and we thought that until that time comes we might still continue the practice.

Mr. GILLET of Massachusetts. Will it require the matter to wait until the Territory becomes a State?

Mr. CURTIS. I think not. The Territory may be attached to a State or counties may be organized.

Mr. SHERMAN. I yield such time as he may desire to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, when we find clerks of Territorial courts coming to Washington and asking that indefinite fees be allowed to them without accounting for them for the performance of certain or uncertain duties, I always look upon the proceeding with grave suspicion, and especially in the light of the examination and the consideration of the general fee question in the Federal courts of both the marshals' and clerks' fees in a preceding Congress. We attempted to dig this whole matter up, root and branch, and allow no feed officers either in the clerk's or in the marshal's office, as had been the practice.

Mr. CURTIS. When this bill was passed, these clerks and other officers of the Indian Territory thought the law was not meant to apply to them, because they were then performing extra work and it could not last but a very few years longer.

Mr. LACEY. They got out of this provision at that time. They came down here to look after their fees. They seem to be active officials, and have been able to come to Congress and look after their fees. We can provide for these officers who ought to have something for extra work. If they are doing something

that a clerk ought not to do, they ought to be paid for it. But we ought not to enlarge it in this indefinite way. We do not know what the fees will amount to. They may be \$10,000 a year and they may only run to \$4,000. It ought to be drafted in such a way as that no injustice would be done, and it certainly should not be done in this way on the Indian appropriation bill. Therefore, when the bill is read, I shall feel constrained to make the point of order against it.

Mr. CURTIS. If you raise the salaries of these clerks at this time to \$3,500 or \$4,000, when the time comes when they are not required to perform this extra service how are you going to have the salaries reduced? It will be almost impossible to do so.

Mr. LACEY. That is a thing for another Congress to determine. There is no reason why this should be made by an indefinite allowance of fees, perhaps \$10,000, for fear we will not be able to cut it down; and I am not willing that they should have this indefinite provision.

Mr. SHERMAN. If the gentleman will permit me, he indicates that when we reach this point of the bill he will make a point of order. Of course, if he does so, the Chair will be constrained to hold the point of order good. But before that is done my colleague will have ample time to read this communication from the clerks and will see that under the existing law they have no reasonable compensation for their services. I hope my colleague will frame an amendment in accordance with his present opinion, and rather than strike the whole matter out offer an amendment that will reach the matter, for I know that he does not want to do anybody an injustice. I think by striking it out entirely he will be doing an injustice, whereas it is quite within his power to frame an amendment within the lines of his idea and still give these men a compensation such as would be fair.

Mr. LACEY. I would be very averse to dissenting from the committee of which I am a member, especially when I make no minority report. But upon this question of fees I have such pronounced convictions, and have spent so much time upon it and seen the House wrestling with it for so many years, and have seen the matter eliminated practically from the Federal courts, that I do not feel willing now to take a step backward upon this question by inserting anything of the kind in an appropriation bill. But I think that the matter can be arranged. I believe an amendment may be made that the House would waive the point of order on and that would do justice to the clerks on the one hand without the House reversing its action upon the reform bill as to fees in the Federal courts.

Mr. RAY of New York. Mr. Chairman, with the gentleman's permission, I want to make a suggestion there. This whole question of fees for clerks in the Indian Territory was gone over and established prior to the meeting of this Congress, and there was a general statute on the subject, under which the clerks in the Indian Territory had their fees and compensation.

Mr. LACEY. They were excused and relieved from the reform bill on the theory that the arrangement in Indian Territory was a temporary one at best, and to wait until there was a permanent organization.

Mr. RAY of New York. Now, certain representations were made to the Committee on Indian Affairs, from which this bill comes, and that committee at the first session of this Congress, without any particular investigation that I have heard of, and certainly without any consultation with the Judiciary Committee, who have general charge of the matters of fixing the fees, etc., made a correction, or something that they supposed was a correction, something that they intended for a correction, that would make the compensation just and proper. It is a provision in an appropriation bill, and as it does injustice to the clerks the error should be corrected.

Now, that provision has stood upon the statute books since the enactment of that bill—about six months, as I understand it—and the clerk finds that after paying the necessary expenses of his office and after paying his assistants he is \$400 "in the hole," so to speak. That is, he pays out \$400 more than he gets. Now, that is an injustice. There is no question about that, and he ought to have reasonable pay. That is all this bill undertakes to do—to correct that to some extent.

Mr. LACEY. To give him the fees without limit?

Mr. RAY of New York. Oh, no, it does not give him the fees without limit.

Mr. LACEY. All "other fees" without limit?

Mr. SHERMAN. All other fees, but we know what those fees are.

Mr. LACEY. They are indefinite. No one knows what they are or what they will be.

Mr. SHERMAN. The aggregate of fees are indefinite, but we know what they have been.

Mr. LACEY. Nothing is so indefinite as a fee that does not have to be accounted for. It is like the weight of a man's hand when he is using that weight for a pound. Put a clerk in a position where he fixes the fees for himself and he will lie awake at

nights to imagine new methods of taxation, but if the fees go to the Government they will be reasonable.

Mr. RAY of New York. Then why not frame your amendment in some way so that the clerks will account to the Government for all these fees, and let them adjust it on a certain basis?

Mr. SHERMAN. Put them on the same basis that other United States clerks are upon. Other United States clerks receive all of their fees up to \$3,500, and then they have the right to draw to a certain limit above that for the expenses of their offices. At least let these men, who perform services greater than other United States clerks, receive as much as other United States clerks.

Mr. LACEY. There is no doubt that it is perfectly proper that this should be done. What I object to is the indefinite method.

Mr. SHERMAN. Then, before we reach that, let the gentleman draw his amendment so that these clerks will receive some compensation. They are practically working now without any pay. The gentleman might put it in the language of the other bill, only change the figures.

Mr. GAINES. Will the gentleman allow a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. SHERMAN. Why, with the greatest pleasure in the world.

Mr. GAINES. How much do these clerks get under the present law?

Mr. SHERMAN. Their statement is that they get \$400 less than nothing.

Mr. GAINES. What is the fact?

Mr. SHERMAN. The law allows them \$3,000, but when they come to pay all the expenses that they are obliged to pay, they have received, as they state in writing, since the 1st of last May or the 1st of June, when this act went into effect, nothing for their services, and have paid out \$400 more than they have received.

Mr. GAINES. What change do you propose?

Mr. SHERMAN. The committee's proposition was to give them certain fees that are collected on matters that ordinarily are outside of the duties of a United States clerk. The proposition of the gentleman from Iowa [Mr. LACEY], who was not satisfied with that, was that there should be some different arrangement, and I have suggested to him that he draw a provision along the lines of his idea, but which will give these clerks a compensation, say, of \$3,500 a year, the same as other United States clerks receive.

Mr. GAINES. No more than that?

Mr. SHERMAN. That was not my proposition; but I think they ought to have something more, as they perform other service.

Mr. GAINES. What are they going to do outside of the usual duties of United States clerks?

Mr. SHERMAN. They mainly record and file chattel mortgages and issue marriage certificates, and there are a very large number of them, so many that the fees from them amount to three or four thousand dollars a year.

Mr. GAINES. And the proposition now is to give them all they can make in this outside work?

Mr. SHERMAN. Oh, no; the proposition is that they take these fees and not account for them, but that out of them they pay the additional clerk hire and that they pay for stationery, traveling expenses, and all that sort of thing.

Mr. GAINES. And not account for it?

Mr. SHERMAN. And not account for it.

Mr. WILLIAMS of Mississippi. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Mississippi?

Mr. SHERMAN. Yes.

Mr. WILLIAMS of Mississippi. I want to call the attention of the gentleman from New York to a bill with which he is familiar, and I want to make a request of him during his time.

During the last session of the House I introduced a bill, which I hold in my hand, which passed the House and passed the Senate of the United States. It was a bill to appropriate two thousand six hundred dollars and odd to pay for certain Choctaw orphan Indian lands in the State of Mississippi. That was the first section of it. I will ask the gentleman's attention to it.

Mr. SHERMAN. I am listening.

Mr. WILLIAMS of Mississippi. And the second section was to authorize the Commissioner of the General Land Office to dispose of these lands in the same way that he disposes of all other public lands which are part of the public domain.

Now, Mr. Chairman, the bill passed both Houses, and in the Senate the gentleman who was taking care of it did not know that the bill was passed, and he got the appropriation on the general appropriation bill at the same time, and then, just at the last of the session, one night when I was not present, the gentleman from New York [Mr. SHERMAN], discovering that there had been a duplication of the appropriation, made a request that the bill be sent back by the President to the House. The consequence is that the first section of the bill has become a law, appropriating the money

to pay for the Choctaw orphan Indian lands, but the second section has never become a law, and although the United States has paid for the land, the Commissioner has not the authority to dispose of the land.

Now, I want to make a request of the gentleman from New York, the chairman of the Committee on Indian Affairs, to permit section 2 of the bill to go upon this appropriation bill, to which it is perfectly germane, and in that way this desired legislation will have been accomplished.

Mr. SHERMAN. I see no objection to it.

Mr. WILLIAMS of Mississippi. Then I shall ask the gentleman at the proper time to offer it as an amendment.

Mr. SHERMAN. I will ask the gentleman from Mississippi to do it, but I shall raise no point of order.

Mr. WILLIAMS of Mississippi. I think no point of order could lie; it is perfectly germane. I wanted to explain it in the open House because I think the gentleman from New York misunderstood it at the last session.

Mr. SHERMAN. I did not understand it at the time the way the gentleman from Mississippi has stated it. Now, Mr. Chairman, I will ask that the Clerk may read.

The CHAIRMAN. The Clerk will read.

The Clerk, reading the bill, read as follows:

At the Sac and Fox Agency, Okla., \$1,200.

Mr. LACEY. Mr. Chairman, in that connection I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert in line 22, page 4, after the word "dollars," the following: "At the Sac and Fox Agency, Iowa, \$1,000."

Mr. SHERMAN. The committee was unanimous, Mr. Chairman, in omitting the Sac and Fox Agency from the bill, although it was estimated for originally this year. When the subcommittee was at the Indian Office going over the bill in detail with the Commissioner, his statement to us was that various agencies could be dispensed with, and we have in this bill provided appropriations for eight less agencies than we appropriated for last year, and one was the Sac and Fox Agency. It was dispensed with for the reason that the superintendent of schools there could discharge the duties of the agent, and the Commissioner has a right to call upon him to do it.

Mr. CURTIS. There are only 420 Indians there.

Mr. LACEY. Mr. Chairman, I fully agree with the chairman of the committee as to the ultimate necessity, or propriety, of this action, but I think it is premature, for this reason. This Sac and Fox tribe in Iowa are blanket Indians and have refused civilization; and there has been a great deal of trouble in getting the Indians into the schools at all. I think in the course of a few years, possibly another year, the purpose of the chairman would be a good one. At the present time, however, there is great friction about that school. The Indians refuse to go to school, and habeas corpus was sued out by parents of some of the children, and the matter was placed in the courts and litigation ensued as to whether the parents of the children could keep them out of school or not.

I think undoubtedly the time will come, possibly within a year or two, when the superintendent of that school can handle the affairs of this agency; but with the friction that now exists I believe it is premature, and this agency ought not to be dropped out at this time. I think if that matter had been called to the attention of the chairman he would have thought this agency might be kept for a time at least. My colleague who represents this district in which the school is situated and where this agency is located could give us, no doubt, some information that would be of value in this connection, he having recently visited that agency. I believe that the line of policy suggested by the chairman is a good one and the application ought to be made where practicable.

Mr. SHERMAN. I think, Mr. Chairman, where there is this small school with very few scholars, as they admit, impossible to get the scholars to come to school, where the superintendent of the school can with the greatest ease perform all the duties with no great tax on his time, where there are only four hundred and odd Indians, with a school of less than fifty pupils in attendance, that it is not unreasonable to expect one man to perform the duties of agent and superintendent. I believe this is a good place to economize to the extent of \$1,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. LACEY].

The question was taken; and the amendment was disagreed to.

The Clerk read as follows:

At the Shoshone Agency, Wyo., \$1,500.

Mr. BURKE of South Dakota. Mr. Chairman, I move to amend by inserting at the end of line 4, page 5, the following:

At the Sisseton Agency, S. Dak., \$1,500.

Mr. Chairman, this agency certainly should not be abolished. Of these Sisseton and Wahpeton Indians three-fifths are located at the Sisseton Agency and two-fifths at the Devils Lake Agency, in

North Dakota. The Committee on Indian Affairs has provided for an agent at Devils Lake. Now, there are the same reasons for an agency at Sisseton as for one at Devils Lake. I am familiar with the conditions at Sisseton, and I know that the Indians there ought to have an agent to protect their interests—to keep liquor off the reservation and to look after their land leases. I certainly think they ought to have an agent. I hope the chairman of the committee will consent to this amendment.

Mr. SHERMAN. Why, Mr. Chairman, payments of interest are made to these Indians only twice a year. They receive no rations. The agent requires no clerk. There are no employees under him. The Commissioner of Indian Affairs stated to the committee that this semiannual payment of interest could be made to these Indians by temporarily delegating a special agent for the purpose. It was in view of this statement that we struck out the provision for this agency; and I think we did so properly.

Mr. BURKE of South Dakota. Allow me to ask the chairman of the committee why there should be an agency at Devils Lake, where only two-fifths of these Indians—a part of the same tribe—are located, while there is no agent provided for Sisseton.

Mr. SHERMAN. I will not oppose a motion of the gentleman to strike out the Devils Lake Agency. [Laughter.]

Mr. BURKE of South Dakota. I have been informed by a gentleman in the Indian service that there are a great many agencies that might get along without an agent better than Sisseton. There are about 1,800 Indians there. They lease their allotments of land. I know it is their wish that they have an agent there to look after their interests. From what I know personally of the conditions, I certainly think this agency ought to be continued. I understood the chairman of the committee to say yesterday that he would not object to this proposition.

Mr. SHERMAN. I did not mean to be so understood. I regret that the gentleman misunderstood me.

Mr. BURKE of South Dakota. Well, I must have misunderstood the gentleman.

Mr. SHERMAN. We were satisfied that this agency should be dispensed with; the committee was unanimous about it; otherwise we would not have struck the provision from the bill. It was embraced in the estimates; but after a hearing the Commissioner of Indian Affairs satisfied us that this agency could well be dispensed with. Hence, I feel that I would not be doing my duty toward the committee or the House if I should do otherwise than oppose the adoption of the gentleman's amendment. I regret that he understood me as assenting to his proposition. I did not intend to do so. I think the amendment ought not to be adopted.

Mr. BURKE of South Dakota. I certainly think that the adoption of my proposition will be in the interest of these Indians.

The question being taken on the amendment of Mr. BURKE of South Dakota, it was rejected.

The Clerk read as follows:

At the Yakima Agency, Wash., \$1,000.

Mr. JONES of Washington. I wish to ask the chairman of the committee what agency is left out in the State of Washington?

Mr. SHERMAN. Tulalip.

Mr. JONES of Washington. I should like to know why that was left out—whether its omission was recommended by the Commissioner of Indian Affairs.

Mr. SHERMAN. It was.

Mr. JONES of Washington. What were the reasons?

Mr. SHERMAN. The reasons were that these are not ration Indians. They have reached a higher state of civilization than the Indians of almost any other part of the country. They are well to do. They live in houses. They go out to work, which is more than a great many other Indians do. They really do not require the constant presence of an agent.

The Clerk read as follows:

IOWAS.

For interest in lieu of investment on \$57,500, balance of \$157,500, to July 1, 1898, at 5 per cent per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May 17, 1854, \$2,875.

Mr. SHERMAN. There is a typographical error in the paragraph just read. The words "eighteen hundred and ninety-eight," in lines 21 and 22, should be "nineteen hundred and one." I ask that the correction be made.

The CHAIRMAN. In the absence of objection, that will be done.

The Clerk read as follows:

For the support and civilization of the Shebits, Muddy, and other Indians in southern Utah, \$2,500.

Mr. CANNON. Mr. Chairman, I want to make a point of order on this paragraph, embracing lines 16, 17, and 18 of the bill.

Mr. SHERMAN. Mr. Chairman, I think the point of order does not lie against the provision; but if the gentleman wants an explanation I will be very glad to make it.

Mr. CANNON. I understand that there is no treaty with these Indians whatever.

Mr. SHERMAN. No; it is a gratuity.

Mr. CANNON. I understand that they have never been demoralized and ruined, horse, foot, and dragoons, by any appropriation from the public Treasury.

Mr. SHERMAN. I think we started in, horse, foot, and dragoons, about two years ago. How much of demoralization has been caused by the appropriation then made I do not know. The gentleman from Utah [Mr. KING] is probably familiar with all the facts in the case.

But I will state to the committee that this is a provision for a payment in the Indian service during the next fiscal year. It does not seem to me that the point of order lies against it.

Mr. CANNON. It seems to me, Mr. Chairman, that it does. If all of the Indians, without reference to treaty stipulations, without reference to their status of civilization or condition, are to be the favored people in the United States, and money without stint can be appropriated for them, why, you can go into the Indian Territory and appropriate for all the tribes there, and to the Indians of New York, some ninety thousand altogether, and it will be perfectly in order, just as much as the proposition now pending is.

The CHAIRMAN. The Chair would suggest to the gentleman—

Mr. SHERMAN. The business of the Indian bill, Mr. Chairman, is to provide for the Indian service.

The CHAIRMAN. The Chair wishes to suggest that if the gentleman from Illinois will state the ground on which he makes the point of order we could proceed more regularly.

Mr. CANNON. I make the point of order that there is no treaty between the Indians and the United States justifying this appropriation. There is no treaty with them at all, and I am speaking now on a technical ground. Secondly, it is a new item in the bill, not a continuing work already in progress.

Mr. SHERMAN. We did not appropriate for these Indians last year, but we did two years ago. I think the gentleman is in error in his contention that any appropriation must be based upon a treaty obligation in order to avoid the point of order. I believe he is wrong in that contention, and that it is proper, under the rules, to appropriate in this bill for any proper expenditure during the fiscal year for which the bill is intended to appropriate; and this is such a provision.

It seems to me that it is not necessary in the least that it should be based upon a treaty obligation in order to come within the rule and entitle it to be placed upon the Indian bill. If it were upon some sort of a claim arising in some other year, the point of order would lie against it. But this is for an expenditure during the fiscal year for which the bill is intended to operate, and to cover the expense of that year in connection with the Indian service.

Mr. KING. Mr. Chairman, a single observation in reply to the point of order made by the gentleman from Illinois.

As I understand, a number of years ago these Indians had some sort of a treaty or arrangement with the Government of the United States. At any rate, as a result of the negotiations then carried on an appropriation was made by the United States for the purchase of land in southern Utah or western Nevada. What was done with the appropriation I do not know, but understand that the Indians were placed on a tract of land, where they remained for a few years and received monetary aid from the Government. The Government made some expenditures and erected some buildings, and the Indians whose headquarters were there enjoyed the benefits of the Government's generosity. How long the Government's aid was given, I do not know. However, it ceased a number of years ago, and for years nothing was done for the support of the Indians. They were dependent upon the gifts of the people residing in that neighborhood for support. They were a great burden to the white people.

About six years ago a small appropriation was made by the Government for the purchase of lands to aid in the support of these Indians. Some buildings were erected upon this land, and the Government has since then in a sort of desultory manner taken care of that land. I think the gentleman from New York is correct in stating that last year no direct appropriation was made; but, as I am advised, a portion of the general fund of the Government was used for the support of these Indians, carrying out the policy which was inaugurated a number of years ago. In the Fifty-fifth Congress, as I remember, an appropriation was made, to be used in the support and civilization of these Indians.

I think, Mr. Chairman, that these Indians do belong to some tribe which had treaty stipulations with the Government. I am not able to state to which tribe they belong. They have been wandering around in southern Utah and northern Arizona and eastern Nevada for many years, and have had no care from the Government, except such as I have referred to. There are about 400 Indians in all. The Government has already made an appropriation of \$25,000 for the erection of school buildings, in order to educate the school children among them. The site has been selected and the buildings will soon be constructed. So it appears

that the Government has recognized and has been exercising control over them, more or less, for some obligation resting upon it to at least partially care for these Indians. I hope that my friend from Illinois, even if his point of order be well taken, by reason of the absence of treaty between them and the United States, will not insist on it, in view of the action of the Government heretofore with respect to these Indians.

Mr. CANNON. So far as I have been able to find, there is no treaty that justifies this appropriation, and there is nothing surrounding it to bring it within Rule XXI, as a public work in progress. If this is in order, it is in order to appropriate for the support and civilization of the New York Indians in the gentleman's own State, and for seventy or eighty thousand Indians in the Indian Territory. I make this point of order because it is so rare indeed that there are Indians to be found who are not completely ruined, that I should dislike very much to see the ruining commenced.

Mr. KING. With the permission of my friend, I want to state that my information is that these Indians belong to the Ute Indian tribe, with whom treaty stipulations were entered into in the early sixties.

Mr. CANNON. Then, if they belong to the Utes, they have their rights under the treaty.

Mr. KING. They are remnants or offshoots of the Ute tribe, but they are not directly associated with the Ute Indians and have not been upon the lands which the Government has reserved for the occupancy of that tribe. These Indians, though they are of Ute origin, as I understand, and would perhaps be classified as Utes, do not live upon the Uintah Reservation and have received nothing from the Government appropriations made to that tribe, but the appropriations which have been made by the Government have been made directly to them; and, as I stated to the chairman of the committee [Mr. SHERMAN] and to the gentleman from Illinois [Mr. CANNON], the Government for twenty years, off and on, has been caring for these Indians, so that the point of order which the gentleman makes that it is a new appropriation, it seems to me, would not lie.

The CHAIRMAN. The Chair would like to know if that was in accordance with treaty stipulations?

Mr. KING. Well, as I have stated, there were no treaty stipulations with these Indians for whom I am asking this appropriation.

Mr. CURTIS. I would suggest that these Indians, if they are a part of the Ute tribe, would be admitted to that tribe by returning to the reservation and showing that they were part of that tribe, and then they would participate in the payments made to the Utes and the appropriations made for their benefit.

Mr. KING. I do not think they can go upon the Uintah Reservation, and are not classed by the Government as Ute Indians, but they derive their origin from the same source. They have not lived with the Ute Indians within the memory of man, but they are familiarly known as Utes, or offshoots of the Ute tribe.

The CHAIRMAN. Will the gentleman from the committee, the gentleman from New York [Mr. SHERMAN], state to the Chair whether or not the three preceding paragraphs are based upon treaty stipulations?

Mr. SHERMAN. Oh, no, Mr. Chairman; there are very many paragraphs through the bill that are pure gratuities that are not based upon treaty stipulations. There are more than half a million dollars appropriated in the bill outside of schools not based on treaty stipulations.

Mr. CANNON. Yes; but I want to call my friend's attention to the fact that the only way that they stand against the point of order is that appropriations have heretofore been made and that they are public works in progress. I should have made points of order upon many of these items where there were no treaty stipulations if it had not been that the appropriations have been made for years, and the very object of this point of order is not to embark upon this work.

Mr. KING. Let me make an observation in reply to what has been said by the gentleman from Illinois. This is not embarking upon a new venture or a new enterprise. As I suggested a moment ago, these Indians already have some land, the exact amount I do not know, and there is an agent in charge of this ground, and a small effort is being made to farm it.

Mr. SHERMAN. There is no agent; there is a teacher.

Mr. KING. There is a teacher there, and the teacher has employed the necessary help and does employ the necessary help for the tillage of the small quantity of ground which the Indians own. Their water supply is wholly inadequate to irrigate the lands they possess, and the particular appropriation that is made is, as I have stated, for the support of these Indians and for the equipment of their farms. They have some farm equipments and a few animals. The school has been taught upon the farm for perhaps the past two years. So that this is not a new enterprise, but it is one that has been continued for a number of years.

Mr. CANNON. My understanding is that those Indians out in

Utah are away up in G; that they are better cultured, better people, better able to take care of themselves, more nearly self-supporting, have been better looked after without the intervention of the Government than perhaps any of the other Indians.

Mr. KING. That is true, I wish to say to my friend, of those who reside in the northern part of the State; but those who are in the southern portion of the State are not so favorably situated. Having no permanent aid from the Government, they have been dependent upon the people.

The CHAIRMAN. Section 2 of Rule XXI expressly provides:

No appropriation shall be reported on any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress.

The Chair does not understand the claim is made that this appropriation comes within the provisions of either one of those two clauses of section 2 of Rule XXI. It is not claimed that it is made in accordance with any treaty stipulation or existing law; and the latter clause of the paragraph is so general in its terms it might include other tribes of Indians. The language is, "and other Indians in southern Utah." Not being in accordance with treaty stipulations, therefore, and not coming within the other provision of section 2 of the rule, the Chair sustains the point of order.

Mr. KING. Mr. Chairman, I do not know whether the Chair puts it upon the ground that the section is rather indefinite as to the tribes of Indians, and, if that be true, I would like to amend by striking out the words "other Indians," so that it would leave the matter definite and show that the appropriation would apply to the same Indians to whom appropriation was made in the past, and clearly indicate that it was the continuation of an enterprise upon which the Government had embarked, to wit, the civilization and support of these Indians, for whom it has purchased lands, and to whom it has given money for their civilization.

The CHAIRMAN. The gentleman did not understand the Chair correctly if he understood that its decision is based on the words "other Indians of southern Utah." The Chair does not think there is anything in the point of this appropriation being a "continuation of appropriations for public works and objects already in progress." There was no appropriation made at the last session for the purposes or anything in relation thereto. It is entirely a new appropriation and is not authorized by existing law.

The Clerk read as follows:

For the support and civilization of the Kaibab Indians in southern Utah, \$2,500.

Mr. CANNON. Mr. Chairman, I make the point of order on lines 6 and 7, page 33. It is a similar case to the point of order just decided.

Mr. SHERMAN. It is identical with the one on the preceding page, upon which the Chair has already ruled.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For support and civilization of the Yakimas, and other Indians at said agency, including pay of employees, \$5,000.

Mr. SHERMAN. Mr. Chairman, there was an error in the print of the bill on line 18. The committee recommended the appropriation of \$8,000, and in the print it was inserted as \$5,000. I ask that the correction be made.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Indian Territory: For general incidental expenses of the Indian Service in the Indian Territory, including incidental expenses of the Indian inspector's office and for pay of employees, \$18,000: *Provided, however*, That hereafter no agent, policeman, or other person in the employ of the Government in Indian Territory shall exercise the right or power to expel any person from said Territory for the collection of any tax in favor of such tribes. This provision, however, should not apply to the collection of lease money or royalties: *Provided further*, That all necessary expenses incurred and paid by the clerks of the United States courts in Indian Territory for attendance on court, record books, stationery, and extra clerk hire subsequent to May 31, 1900, shall be allowed and paid to said clerks on accounts approved by the judge of the court and accompanied by proper vouchers: *Provided further*, That hereafter the said clerks shall be required to account to the United States only for fees earned in civil, criminal, chancery, and probate cases filed or heard in said courts, and that all other fees pertaining to other duties not required of clerks of United States circuit or district courts may be retained by said clerks, and all expenses incurred for additional clerk hire, record books, stationery, etc., on account of such additional duties, and all their necessary expenses in attending the courts held at different places in their respective districts, shall be defrayed by said clerks.

Mr. FITZGERALD of New York. Mr. Chairman, I desire to reserve the point of order upon one part of this paragraph.

Mr. SHERMAN. What part?

Mr. FITZGERALD of New York. On lines 16 to 22.

Mr. SHERMAN. On what page?

Mr. FITZGERALD of New York. Page 34.

Mr. LACEY. I desire, Mr. Chairman, to make the point of order as to the remainder of the paragraph and to each part of it.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to temporarily pass over this portion of the bill, and the gentleman

from Iowa will simply reserve the point of order for the purpose of offering an amendment.

Mr. LACEY. I think, perhaps, if this is passed over we can agree upon an amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to pass this paragraph.

Mr. SHERMAN. With the point of order reserved.

The CHAIRMAN. The Chair understands the point of order is made by the gentleman from Iowa to the entire paragraph in relation to the Indian Territory.

Mr. SHERMAN. Only from line 23 on.

The CHAIRMAN. The gentleman from Iowa made that point of order.

Mr. LACEY. There are two propositions, and I make the point of order as to both.

Mr. HOPKINS. It is desired that the point of order be reserved, and an amendment prepared by the gentleman from Iowa that will meet the approval of the committee, so that there will be no objection to it, and unanimous consent to that has been given.

Mr. FITZGERALD of New York. I reserve the point of order against the provision contained in lines 16 to 23.

Mr. SHERMAN. What page?

Mr. FITZGERALD of New York. The same page.

Mr. LITTLE. I raise the point of order that the point of order comes too late as to this paragraph.

Mr. FITZGERALD of New York. Well, this whole paragraph is in connection with appropriations for Indian Territory, and upon the conclusion of the paragraph I rose and addressed the Chair and made the point of order against this provision. I understand that is the proper practice.

The CHAIRMAN. The Chair thinks the gentleman made his point of order in time.

Mr. LITTLE. All right.

Mr. FITZGERALD of New York. Do I understand this part of the bill was passed over?

The CHAIRMAN. The entire paragraph was passed over temporarily.

Mr. SHERMAN. I did not understand my request covered anything further than the provision from line 23 on.

Mr. LITTLE. I would like to take up the other now.

Mr. STEPHENS of Texas. I have an amendment I would like to offer at the proper time, Mr. Chairman.

Mr. LITTLE. Mr. Chairman, pending the point of order made by the gentleman from New York [Mr. FITZGERALD], as I have yet taken no time of the committee, I desire to submit a statement in relation to this provision; in other words, I want to debate the subject about ten minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to debate the paragraph for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Mr. Chairman, I am constrained to believe that no member of this House who fully understands the situation in the Indian Territory would insist upon a point of order. This Congress, in 1898, in what is known as the Curtis bill, provided that no tribal law should be enforced, either in law or equity, in the courts of the Indian Territory. This provision was evidently intended to make a division between the enforcement of the Indian laws as against Indians and against the noncitizen in that country.

The members of this House should appreciate the fact that the Indian Territory stands upon an entirely different footing and upon different conditions from any of the Indian reservations throughout the country. In this nation, as is well known, there are five tribes and five tribal limited governments. Within that Territory there are about 300,000 white people and about twenty-odd thousand negroes. There are no means of education for the white or negro children except in the few towns that are incorporated; their funds are obtained by taxing themselves. These Indian tribes own their own land, collect their lease money, collect their royalties from the mines, and have large funds put to their credit in the Treasury of the United States.

Now, the condition that this amendment was enacted to reach was this. Each of these tribal governments grew out of ancient conditions, having tax laws against the noncitizen, differing in rates in the different tribes. In one of them they charge a noncitizen laborer \$6 a year for the privilege of breathing the air of that country. The thousands of miners engaged in mining coal in that Territory, the royalties of which are paid to the Indians, must also pay 50 cents a month for the privilege of laboring. His children and the children of other noncitizens get no benefit from the tax. Merchants in the towns in that country are taxed by these bills from one-half of 1 per cent to 1½ per cent on the invoice of all the goods they offer for sale in their stores, so that, if the merchant in retailing turns over his capital stock four times a year, in one instance it would be 6 per cent of the value of his goods. All the professions are taxed by these bills. In the Territory a tax of one-half per cent on the capital stock of banks is im-

posed, and every species of industry, from the ginger-snap stand to the banker, is attempted to be taxed by these tribal laws.

Under the Curtis Act the noncitizen was given a status in the Indian Territory, and his rights and standing in the town property have been determined by the courts. The courts have given them a right to levy a tax on themselves, not to exceed 2 per cent per annum, for the support of the city government and schools. Time and time over these noncitizens have knocked at the doors of Congress and asked us to make appropriations directly out of the Treasury for the education of the noncitizens in that country. Congress has persistently refused to do this.

Now, referring again to the Curtis Act, which provided that these laws should not be enforced either in law or equity in the courts of the Indian Territory. After that act passed, the Secretary of the Interior, on account of some ancient statute, has held that it was his duty to collect these taxes and exercise the power that is exercised in any Indian reservation and take the citizen by the back of the neck and put him out of the country regardless of his property rights unless he submits to the exactions of these little fossilized and half-destroyed tribes and pays the tax levied upon him.

I believe it will be not only of great benefit to the white men, but to the Indians, in this country if we stop this manner of proceeding. The amendment to which the point of order is directed does not interfere in the slightest degree with the collection of all the rents to which the Indian is entitled, it does not interfere with the collection of all the royalties to which he is entitled, and no man will go farther than I will to have the Indian paid what is his right, to pay him for every foot of property and for everything that he owns in this country that is used by the white man. But after we have given a noncitizen a patent in that country, which he must buy and pay for, I say it is fundamentally wrong to tax the people when they have no voice in the Government and can get no benefit from the taxes. I believe it is but little short of robbery of the people there, whose children are going without the aid and benefit of taxation.

I do not want to deceive Congress as to the meaning of this amendment. If it should be adopted, the Indian agents in that Territory will be prohibited thereafter from expelling the noncitizens of that Territory, and there will be no means for collecting these privileged taxes to which the Indians are not entitled. The amendment will simply have the effect of repealing an ancient statute enacted when that country was a reservation. Under a provision of the Government adopted at that time the right was exercised, which is now exercised on Indian reservations, of putting off a noncitizen. But at the present time such a person has a right to go to any of these towns and to carry on any legitimate business; he has the right to occupy land. But if a tax is demanded—it may be a thousand dollars—and if the noncitizen disputes the demand and declines to pay it, the Indian agent is authorized to say, "You are a defaulter to the Indian tribe; you are ordered to vacate the Indian Territory without regard to your property interests or your family interests."

I have been, and am still, an advocate of a uniform system of taxation there, a system taxing privileges in that country for the benefit and education of all the children of the Indian Territory. Such a measure ought to be passed. It will never be passed as long as these tribes are encouraged by the collection of this iniquitous tax. Such a tax could not be imposed except by a strained construction of the law of Congress. It can not be collected without utter disregard of the rights of the noncitizens in that Territory. We are paying the salaries of four Federal judges and innumerable commissioners exercising full power to enforce the law in that country, and I say the appeal in this matter ought to go to the courts; that the rights of the people in that country ought not to be intrusted to the hands of a simple employee of the Government.

With this statement I can only appeal to my distinguished friend from New York to withdraw his point of order. I concede that the proposition is subject to the point of order, but the great necessity of adopting such an amendment, its manifest justice, should, it seems to me, warrant Congress in adopting it. If its provisions are considered crude or in any way insufficient, I will join with anyone here most heartily in making the provision all that it should be in justice both to the Indians and the noncitizens.

Allow me to say while on the floor that if this point of order is sustained I shall ask the privilege of offering at this point as an amendment a bill providing for taxation in that country—a measure which has the approval of the Indian Department, and which will give at least some measure of relief to the 50,000 children in that country who have for years and years been without any means of education. Not only the white children, but the great bulk of the negro children of that country are deprived of any benefit from the educational funds of these Indians. Mr. Chairman, I do not care to detain the committee further at this time.

Mr. FITZGERALD of New York. Mr. Chairman, it may be that if members of this House understood this question thoroughly

this point of order would not be raised. Nevertheless we are compelled to act upon the information we have at hand. I have examined very carefully the report of the Commissioner of Indian Affairs for the current year. He reviews to some extent the question of imposing tribal taxes in the Indian Territory, but he makes no recommendations whatever as to legislation for the purpose of correcting any evils that may exist there.

In my opinion it is the duty of Congress to protect not particularly the whites in the Indian Territory, but the Indians. During the past summer I made a short trip through that section of country. My observations impressed me that the one great power which is used for the benefit and protection of the Indians is the power of the agent and the constables to remove from the Territory people who do not comply with the laws. If this amendment be permitted to pass, then, under the provisions of the Curtis Act, the tribal taxes can not be enforced in the courts in the Territory. If these Indians have the right to levy these taxes, they should have a method for collecting them.

In the report of the Commissioner of Indian Affairs for the current year there is an opinion of the Attorney-General, rendered September 7, 1900, which holds that—

Under the provisions of sections 2147 to 2150, inclusive, of the Revised Statutes of the United States the authority and duty of the Interior Department is within any of these Indian nations to remove all persons of the classes forbidden by treaty or law who are there without Indian permit or license; to close all business which requires permit or license and is being carried on there without one, and to remove all cattle being pastured on public lands without Indian permit or license where such permit and license is required.

Now, Mr. Chairman, I am quite willing to concede that perhaps I am not as familiar with the conditions existing in the Indian Territory as my colleague on the committee, the gentleman from Arkansas [Mr. LITTLE]. Nevertheless I think that if there were such crying need for legislation of this character as the gentleman from Arkansas claims, the Commissioner of Indian Affairs would certainly have included in his report some recommendation on the subject.

I am free to say that I do not, in all matters connected with the Indian service, follow the recommendation of the Commissioner very closely. There are some things upon which I differ with him materially. But upon questions such as this I have found in my limited experience that as a rule his recommendations are safe and sound. I feel constrained, therefore, to insist upon the point of order.

The CHAIRMAN. It is clear from the report of the committee and from the concession of the gentleman from Arkansas that this provision is obnoxious to section 2 of Rule XXI. The point of order is therefore sustained.

Mr. LITTLE. Mr. Chairman, I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert after the paragraph just read the following:

"That for the purpose of maintaining a system of free schools for the education of all children residing in the Indian Territory between the ages of 6 and 21 years, whether children of citizens or noncitizens, and for the care of blind, insane, and orphans, there be, and is hereby, levied the following per capita taxes, and taxes on property and privileges in the Indian Territory, to wit:

"Upon each male person over the age of 21 years, who is not a member of any Indian tribe, residing in the Indian Territory, an annual per capita tax of \$1.

"Upon each attorney or counselor at law, \$5 per annum, in addition to the tax of \$1 hereinbefore provided.

"Upon each practicing physician or surgeon, dentist, or pharmacist, the sum of \$5 per annum, in addition to the tax of \$1 hereinbefore provided.

"Upon each hotel, \$25 per annum.

"Upon each cotton gin, the sum of \$5 per annum.

"Upon each cotton compress, the sum of \$25 per annum.

"Upon each blacksmith shop, wagon shop, or cabinet workshop, \$5; upon each insurance agent (life or fire), \$10, and upon each photograph gallery, butcher shop, lunch stand, restaurant, or barber shop, the sum of \$5 per annum.

"Upon each sawmill, the sum of \$5 per annum.

"Upon each livery stable and billiard or pool hall, the sum of \$10 per annum.

"Upon all merchants, grocers, druggists, and other persons engaged in any mercantile or other business who buy or sell any goods or chattels, whether citizen or noncitizen, the sum of one-half of 1 per cent upon the average annual values of their stocks carried for the preceding year; but where they have not been engaged in such business in said Territory for the preceding year, the tax shall be based upon the value of the stock on hand when payment of the tax is demanded; upon each money lender, pawnbroker, or real estate agent, \$25.

"Upon all private business corporations carrying on any business in said Territory for gain, whether resident or nonresident corporations, an annual tax of \$25.

"All the taxes aforesaid shall be paid annually in advance, commencing on the 1st day of July, 1900, and where the person or company against whom the tax is to be levied comes into the Territory or engages in any kind of business hereinbefore named between the 1st day of July in one year and that time in the succeeding year, the tax shall be levied on the basis of a full year's tax for a half year or over, and a half year's tax for less than a half year.

"Upon each theatrical company for each performance, the sum of \$2, payable in advance.

"Upon each circus for each performance, the sum of \$10, payable in advance."

Mr. SHERMAN (before the conclusion of the reading of the entire amendment). Mr. Chairman, I dislike exceedingly to raise

a point of order against my colleague from Arkansas, but clearly what has been read shows that this is not a proper provision for the appropriation bill. It is not a matter which has been sufficiently considered before the committee, it seems to me, to warrant my not raising the point of order against it as chairman.

Mr. LITTLE. If my friend will permit me, the bill I offer as an amendment at this time, reaching the condition of affairs which I spoke of a few moments ago, is one prepared in the Indian Office, with the recommendation of the Secretary of the Interior, and is unanimously reported by the Committee on Indian Affairs.

Mr. SHERMAN. I had forgotten that it had been favorably considered by the committee.

Mr. LITTLE. It has been, and I think it exceedingly meritorious as a proposition to be incorporated here. I understand, of course, that this is not a bill—this appropriation bill—for such legislation as this, and I would not offer it at this time as an amendment except for the great necessity which exists and which I do not believe can be remedied in any other way. I asked an appropriation of \$50,000 once for this purpose and Congress refused to consider the matter, and I do not see any impropriety in putting the amendment on this bill.

By this provision the same relief can be given to the children there, and we will be able to collect something from those people who ought to be made to pay their taxes for educational purposes.

Mr. SHERMAN. On the gentleman's statement, Mr. Chairman, I have no doubt of the merits of the proposition, but I do not think it ought to be included in this appropriation bill. It is quite a complicated legislative proposition, and I think we ought to take it up by itself rather than as a section of the appropriation bill; and hence I have felt constrained, very much against my own wishes, to raise the point of order. But I raise the point of order now rather than to wait until the reading of the entire amendment is finished, because it must be apparent to the Chair from what has been read that it is unnecessary to proceed with the further reading of it to establish the fact that it is not in order on this bill.

Mr. LITTLE. I of course concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order to be well taken, and it is sustained.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the amendment I send to the desk.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Insert as a new proviso:

"That any incorporated city or town in the Indian Territory having a population of 1,000 or more is hereby authorized to issue bonds and borrow money thereon, to be used for the construction of sewers and waterworks and the building of schoolhouses; such bonds not to exceed an amount the interest on which at 5 per cent per annum would be liquidated by a tax of 5 mills upon the dollar of the valuation of the taxable property in such city or town, to be ascertained by the last assessment for purposes of taxation: *Provided*, That before such bonds shall be issued the same shall be authorized by a two-thirds majority vote of the qualified voters of such city or town voting at an election held for that purpose, notice of which shall be published for four consecutive weeks prior thereto in a newspaper of general circulation published in such municipality: *And provided further*, That such bonds shall not be issued until it shall be made to appear to the satisfaction of the judge of the United States court for the judicial district in which such municipality is located, by petition of the mayor and council thereof, or otherwise, that all the requirements of this section shall have been complied with, who shall thereupon cause to be entered upon the minutes of his court a judgment or decree reciting the facts as he finds them to be.

Mr. SHERMAN (before the reading was completed). Mr. Chairman, I am constrained to raise the point of order. It is unnecessary to finish the reading of it, for it is clearly as obnoxious to the rule as was the other amendment proposed by the gentleman from Arkansas, and although it is a measure which has been favorably reported by the committee, it is on the House Calendar, and can be reached at any time when the committee is called in the morning hour; and therefore I must raise the point of order against it.

Mr. STEPHENS of Texas. Mr. Chairman, I think it extremely doubtful if this measure can be reached at this session of Congress. The Curtis bill, passed in the Fifty-fifth Congress, provided that cities and towns might incorporate in that Territory. There are fifteen or twenty of them there at this time. Any town, under this bill, of 1,000 inhabitants or over has the right to tax itself to an amount of 5 mills on the dollar to build schoolhouses, and it is absolutely necessary that these incorporated towns should have schoolhouses if they are to educate the children there. In order to accomplish that, it is necessary to pass a bill to levy a tax for the purpose of building the schoolhouses.

Mr. SHERMAN. Why, Mr. Chairman, if there was no other way of reaching the proposition of the gentleman from Texas, I would perhaps not raise the point of order; but this is a morning-hour bill. The committees surely will be called before the end of this Congress. I do not doubt that the Indian Committee will be reached on that call, and this bill can be taken up, the gentleman from Texas, or the chairman of the committee, either, having been authorized to call it up for consideration at that time; and hence I am constrained to insist upon the point of order, much as I regret to do so against the gentleman from Texas.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For operating one portable sawmill for the Klamath Agency, Oreg., and for necessary repairs to same, \$1,500.

Mr. CANNON. I will reserve a point of order on that sawmill for the Klamaths.

Mr. SHERMAN. In last year's bill we appropriated for the construction of this sawmill, and this is for the running of the same. This is surely the continuation of a work now in progress.

Mr. CANNON. These Indians, as I understand it, are very well off?

Mr. SHERMAN. Yes; that is true.

Mr. CANNON. They have very valuable lands?

Mr. SHERMAN. They have lands, some of them good, and they have reached a pretty high degree of civilization.

Mr. CANNON. Now, if Congress gave them a sawmill last year, without any treaty obligation, when they were quite able to buy their own sawmill, I do not know that that can be called a continuing work, that Congress shall operate the sawmill for them. I think the point of order ought to have been made a year ago.

Mr. SHERMAN. Well, possibly the gentleman is correct; but not having been made a year ago, I hardly think it is good now.

Mr. CANNON. This is not for another sawmill.

Mr. SHERMAN. This is for the same sawmill.

Mr. CANNON. This is to operate it.

Mr. SHERMAN. This is to operate the sawmill for which we provided last year.

Mr. CANNON. So far as I know, it is not authorized by law, and there never has been an appropriation and no treaty stipulation for operating a sawmill there. It is not a work in progress.

Mr. SHERMAN. No; but it will be as soon as we appropriate for its operation. It is a sawmill that is idle now.

Mr. CANNON. I think I will have to insist on my point of order.

Mr. SHERMAN. I do not think the point of order is well taken, Mr. Chairman. We provided for the construction of this sawmill last year, and this is simply an appropriation to provide for the operation of it. I think under the meaning of the rule it is for the continuance of a work now in progress.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. CANNON. Oh, I think so. These are rich Indians, as I understand it, and quite as able as are our own people to pay for this.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment which I wish to offer.

Mr. SHERMAN. Let the Chairman rule first on the point of order.

The CHAIRMAN. The Chair will rule first on the point of order. This appropriation having been contained in the last bill, the Chair is inclined to rule that this must be regarded as a continuing public work, and the point of order will be overruled.

Mr. CANNON. I move to strike out lines 23, 24, and 25 on page 37.

The CHAIRMAN. The gentleman from Illinois moves to amend by striking out lines 23, 24, and 25 on page 37 of the bill.

Mr. SHERMAN. I hope that amendment will not carry. There is a lot of timber up there, and I do not care whether it ought to be so or not, if we do not provide for operating this sawmill it probably will lie idle and will not be used, and the Indians will not receive from it the benefit we desired they should when we provided for its construction. I think it is shortsighted to refuse an appropriation for the operation of the sawmill now that we have erected it. I hope the gentleman's amendment will not prevail.

Mr. CANNON. Where do the Klamaths live?

Mr. SHERMAN. They live in the State of Oregon, I think; up toward the Sound, as I recollect it.

Mr. CANNON. My recollection is that they live on the Sound.

Mr. SHERMAN. I think it is farther back.

Mr. CANNON. My impression is, further, that they have magnificent timber lands. My impression is, further, that they have very valuable lands that are cleared. My impression is, further, that they raise hops galore—a very profitable crop. My impression is, further, that they are much better situated and cared for themselves, from the property standpoint, than is the average white man who lives in the sweat of his face. Therefore it seems to me it ought to be stricken out. I think we are running wild touching our Indian policy.

Mr. SHERMAN. I have nothing more to say, Mr. Chairman.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question being taken, on a division (demanded by Mr. CANNON) there were—ayes 3, noes 24.

Accordingly the amendment was rejected.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Insert at the end of line 25:

"That the sum of \$2,606.40 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the said sum to be placed to the credit of the Choctaw orphan fund in the Treasury of the United States in payment for all Choctaw lands yet unsold in the State of Mississippi."

"That the Commissioner of the General Land Office is hereby authorized and directed to dispose of the said Choctaw orphan lands in the State of Mississippi as other public lands are disposed of."

Mr. STEPHENS of Texas. Mr. Chairman—

Mr. CANNON. I reserve the point of order. I do not know where that comes in.

Mr. STEPHENS of Texas. Mr. Chairman, this is an amendment prepared by the gentleman from Mississippi [Mr. WILLIAMS], and he has presented it to the chairman of the committee. I do not know whether it is the understanding that this amendment is germane or not. It seems to me it is a just amendment and a just amount of appropriation.

Mr. SHERMAN. If I understand properly the amendment, it is only desired to enact the second section, without the appropriation, which has heretofore been made. Am I not correct?

Mr. STEPHENS of Texas. That is my understanding. The appropriation was made last Congress.

Mr. SHERMAN. The Senate and the House passed a bill, and by some mistake the appropriation item was also included in the last annual appropriation bill. The two bills were sent to the President, and the single one was recalled from the President. The appropriation-bill item was inserted without the legislative feature of the bill, which, as an amendment, is now offered.

Mr. McCLEARY. That is, the money was provided, but no authority was given to sell the land.

Mr. CANNON. Well, let it be read again.

Mr. LITTLE. I ask the Clerk to report the amendment without that part carrying the appropriation.

The Clerk read as follows:

Insert at the end of line 25, page 37, the following:

"That the Commissioner of the General Land Office is hereby authorized and directed to dispose of the said Choctaw orphan lands in the State of Mississippi as other public lands are disposed of."

Mr. LITTLE. That is right.

Mr. SHERMAN. Strike out the word "said."

Mr. CANNON. That is clearly legislation. I do not want to make the point of order if it is apt. In the first place, I do not see where it comes in. The gentleman has offered it after line 25, page 37, which refers to the Klamath Indians and their sawmill.

Mr. STEPHENS of Texas. It should come in at the end of line 20, after the word "law."

Mr. CANNON. Ah! That comes in at the end of the provision touching the commission.

Mr. SHERMAN. If the Clerk will strike out the word "said" and then will read the amendment, the gentleman will see how it stands.

The CHAIRMAN. Without objection, the Clerk will read the section as it would be amended.

The Clerk read as follows:

Insert at the end of line 27, page 37:

"That the Commissioner of the General Land Office is hereby authorized and directed to dispose of the Choctaw orphan lands in the State of Mississippi as other public lands are disposed of."

Mr. CANNON. Well, now, that is really subject to a point of order. Here is a clause in the bill that relates to the Dawes Commission and appropriations touching the service in the Indian Territory pure and simple. Now, then, here is an amendment, which I think is not at all germane, that directs, not the Dawes Commission—has no relation to it—but directs the Commissioner of the General Land Office to sell some orphan lands in the State of Mississippi. I do not know anything about it.

Mr. STEPHENS of Texas. They are a part of the Choctaws.

Mr. FITZGERALD of New York. If the gentleman will permit me, I can explain it. There was a bill introduced and passed in this House, and also passed by the Senate. I will read the preamble of the bill that was passed, as that will give the gentleman a better idea of what it was:

Whereas it was provided by act of Congress approved June 23, 1898 (30 Stat., 495), that "the Choctaw orphan Indian lands in the State of Mississippi yet unsold shall be taken by the United States Government at \$1.25 per acre and the proceeds placed to the credit of the Choctaw orphan fund in the Treasury of the United States, the number of acres to be determined by the General Land Office."

The General Land Office proceeded under the act quoted in that preamble and ascertained the number of acres that were undisposed of. Then in the Indian appropriation bill last year the Senate placed a provision appropriating the money to pay for this land, but did not put in the provision authorizing the Land Office to dispose of it.

Mr. CANNON. Has the money been paid?

Mr. FITZGERALD of New York. Yes; the money was appropriated, and the lands now belong to the United States, but there is no provision by which the Land Office can dispose of it as public lands.

Mr. CANNON. This does not seem to be an act. It seems to be a bill.

Mr. FITZGERALD of New York. The bill passed the House, and it was passed by the Senate and sent to the President.

Mr. CANNON. It never became a law.

Mr. FITZGERALD of New York. The provision that provides for the payment of the money was placed on the Indian appropriation bill; then the chairman of the Committee on Indian Affairs [Mr. SHERMAN], after it was passed, in the belief that the provision in the appropriation bill was sufficient, had a resolution passed recalling the bill from the President. It was afterwards ascertained that while the appropriation had been made, no provision had been made authorizing the General Land Office to dispose of these lands as other public lands.

Mr. CANNON. What is the amount of this land?

Mr. FITZGERALD of New York. I think it is stated in the preamble.

Mr. CANNON. No.

Mr. FITZGERALD of New York. I do not know the exact number of acres.

Mr. SHERMAN. Does the gentleman mean the amount of the appropriation?

Mr. CANNON. No; the amount of the land.

Mr. SHERMAN. I think, perhaps, 2,600 acres; it is not a large amount.

Mr. CANNON. Well, I do not know about it, after reading the bill which did not pass.

Mr. SHERMAN. Mr. Chairman, it is as the gentleman from New York says. The bill was sent to the President, and in the closing days of the last session was recalled from the President because the appropriation had been made in another bill; but the bill making the appropriation did not carry the legislative features of this bill providing for the disposition of the land, the purchase price of which was appropriated in another bill.

Mr. CANNON. How are the lands to be disposed of?

Mr. SHERMAN. In the way all other public lands are disposed of. That is this proposition.

The CHAIRMAN. Does the gentleman from Illinois insist upon the point of order?

Mr. CANNON. I will withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The question now is on the amendment offered by the gentleman from Texas [Mr. STEPHENS].

The question was taken; and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For pay of physician, New York Agency, \$800.

Mr. SPALDING. Mr. Chairman, I have an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 5, page 38, insert:

"For relief and support of the Turtle Mountain band of Chippewas and the Sioux of Devils Lake, N. Dak., to be expended for their benefit under direction of the Secretary of the Interior in such manner and for such purposes as he may direct, \$25,000, to be immediately available."

Mr. CANNON. I think, Mr. Chairman, I will reserve a point of order to that.

Mr. SHERMAN. This is the matter brought to the attention of the Committee on Appropriations on the deficiency bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HILL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment a bill of the following title:

H. R. 11552. An act granting an increase of pension to Louis Heibel.

The message also announced that the Senate had passed with amendment bills of the following titles in which the concurrence of the House was requested:

H. R. 5655. An act granting a pension to Lurinda Laughlin;
H. R. 1734. An act granting a pension to Mary A. Whitmore;
H. R. 10062. An act granting an increase of pension to Harriet Crottenburg;

H. R. 9108. An act granting a pension to Maria H. Hixon;
H. R. 5117. An act granting a pension to Roland Burnett;
H. R. 2752. An act granting an increase of pension to Edmund P. Tierney; and

H. R. 12838. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 92. An act granting a pension to William M. Ferry;

S. 3436. An act granting a pension to Catharine Weinheiner; and

S. 4184. An act granting an increase of pension to Evelyn Neale Murray.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies additional to the usual number of the report of Dr. Sheldon Jackson upon the Introduction of Domestic Reindeer into the District of Alaska for 1900, of which 500 copies shall be for the use of the Senate, 1,500 copies for the use of the House of Representatives, and 3,000 copies for the use of the Commissioner of Education.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. SPALDING. Mr. Chairman, I will say that this is an item submitted to this House in a letter from the Secretary of the Treasury suggesting the urgent necessity for this appropriation. This letter was accompanied by a recommendation from the Acting Secretary of the Interior, which was also accompanied by an urgent recommendation from the Commissioner of Indian Affairs. The fact is that smallpox is epidemic in the Turtle Mountain band of Chippewas. Their reservation has for some months been quarantined, and the people residing there have been deprived of the privilege of going out of the reservation to seek employment among the white farmers, and the appropriation heretofore made for their support and maintenance has been practically exhausted. The crops last summer in that part of the State were almost an absolute failure, and unless this appropriation is made for these Indians who are in this lamentable condition many will die the ensuing winter from starvation and exposure. I suggest that it is not only highly proper, but it is extremely necessary that this appropriation should be made. In reference to the point of order made by my friend the distinguished gentleman from Illinois [Mr. CANNON], I believe it is in line with all the other appropriations for the support and maintenance of Indians contained in this bill.

Mr. CANNON. Mr. Chairman, I would like to have the proposed amendment read again.

The CHAIRMAN. Without objection, the Clerk will read the amendment.

The Clerk again read the amendment.

Mr. CANNON. Is this by virtue of any treaty stipulation?

Mr. SHERMAN. No.

Mr. CANNON. I will ask the gentleman from North Dakota [Mr. SPALDING] whether the land has been allotted to these Indians?

Mr. SPALDING. I think not.

Mr. CANNON. What does the gentleman from Kansas [Mr. CURTIS] understand about that?

Mr. SPALDING. My impression is that there is a treaty which has been negotiated with these Indians, but not ratified, and which is awaiting action in the Senate at this time.

Mr. CANNON. Have they any lands of their own?

Mr. SHERMAN. Yes.

Mr. CURTIS. I find upon examination that their lands have been allotted to the extent of 131,000 acres.

Mr. SHERMAN. But that is not the whole of the land.

Mr. CANNON. Then these Indians are citizens of North Dakota and have the right to vote?

Mr. SPALDING. I do not so understand it; not the Turtle Mountain band.

Mr. CURTIS. There are 144,000 acres unallotted, and the treaty referred to covers these 144,000 acres.

Mr. CANNON. If they are citizens of North Dakota the burden is on the State to support them.

Mr. SPALDING. I will say that my understanding is that there is only a small fraction of these Indians who are citizens of North Dakota; an almost insignificant number.

Mr. CANNON. When was this estimate sent in?

Mr. SHERMAN. I think somewhere about the 8th of December.

Mr. SPALDING. The 6th of December.

Mr. CANNON. Does the gentleman from North Dakota know about the trouble, and whether it has ceased or not?

Mr. SPALDING. I know it was reported some time previous to that time that they thought they had the smallpox stamped out, but at the time this appeal was made it had again broken out.

Mr. CANNON. Well, half of a month has gone by.

Mr. SPALDING. A half of a month is only the time that is required for quarantine purposes, and it could not be stamped out in that time.

Mr. CANNON. Well, if this appropriation is made immediately available, I submit to the gentleman from New York that there is no possibility of this bill being enacted into law before the 1st of February.

Mr. SHERMAN. I wish I could hope that it would be enacted into law by that time. I have not the faintest idea that it will be enacted by the 1st of February.

Mr. CANNON. If that be true, why appropriate \$25,000 to

stamp out smallpox which they have had for a month on a bill that it is not possible to become a law until the last days of February?

Mr. SHERMAN. The Department has already expended all the money available in its attempt to stamp out this disease. I had some little conversation with the gentleman from Illinois [Mr. CANNON] in his committee room in reference to the insertion of this item in the urgent deficiency bill recently passed. I was to have reported to him in reference to the condition of a fund appropriated last year amounting to \$50,000 to be used for stamping out smallpox throughout the United States. Before I had been to the Indian Office, however, and obtained the information which I desired and brought it here the gentleman had reported his deficiency bill, and this item was not contained in it.

I do not mean to imply that the gentleman exercised undue haste; he did not. It was, I think, the second day after our conversation before I went to the committee room to give him full information, as I was not able to go to the Indian Office on the same day upon which I first spoke to him. When I was at the Indian Office to obtain the information in reference to this other fund, which the Department tells me is entirely exhausted, the officer with whom I spoke impressed upon me the necessity for this appropriation of \$25,000, which is not simply to buy vaccine and to hire people to act as quarantine officers, but is for the purpose of buying for these Indians the necessities of life, which they are unable to raise because the quarantine precludes the possibility of their working off the reservation and earning any money for their own support.

It is true, as the gentleman says, that this appropriation will not be available for a month or so; but it may be possible that the Indian Office will find some way of "shinning along," as the saying is, until the appropriation is available.

Mr. KING. How many of these Indians are there?

Mr. SHERMAN. One thousand and thirty-four. I think this a very proper appropriation, and I very much regret that it was not put upon the deficiency bill. I have asked the gentleman from North Dakota [Mr. SPALDING] to go to the Senate, as I presume he has already done, and see whether the item can not be inserted there upon the deficiency bill. If that effort should be successful, the item can be struck off of this bill.

Mr. CURTIS. The Commissioner of Indian Affairs appeared before our committee and asked that this appropriation be made. He also informed the committee that the smallpox existed on several other Indian reservations and that something would have to be done to stamp it out.

Mr. CANNON. I do not think this appropriation, if made, will be effective; yet, in view of the pitiable condition of these Indians, I do not feel justified in insisting on the point of order.

The CHAIRMAN. The point of order being withdrawn, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I ask consent that we go back to page 39, line 3, in order that I may offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. Is there objection to returning to the point in the bill indicated by the gentleman from Wyoming?

Mr. CANNON. Let us first hear what the amendment is.

The amendment was read, as follows:

Add after the word "annum," line 3, page 39, the following: "For repairs to the bridge across Wind River on the Shoshone Reservation, in Wyoming, \$350, to be immediately available."

Mr. MONDELL. I ask that the Clerk read a letter of the Commissioner of Indian Affairs, which will explain this item.

The CHAIRMAN. Without objection, the letter will be read. The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, December 19, 1900.

SIR: Indian appropriation act approved May 31, 1900, Public—No. 131, page 23, provided for the expenditure of \$750, or so much thereof as may be necessary, for making the necessary repairs to the Big Wind River Bridge, Shoshone Agency, Wyo.

Before the appropriation could be used a second span of the bridge, weakened by the constant strain, was precipitated into the river and would have been utterly destroyed had not the agent taken immediate steps to secure it, incurring thereby an indebtedness of \$100, for which authority was granted him to settle out of the appropriation of \$750, leaving a balance of \$650.

It will require at least \$1,500 to place the bridge in a thorough state of repair; and as it is considered a very necessary adjunct to the proper management of agency and school affairs, I have the honor to respectfully recommend that Congress authorize an appropriation of \$850 to defray the expenses for the necessary repairs, said appropriation to be immediately available.

Very respectfully,

W. A. JONES, Commissioner.

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs,
House of Representatives, Washington, D. C.

The CHAIRMAN. Is there objection to returning to the paragraph to which the gentleman from Wyoming proposes to offer this amendment?

Mr. CANNON. It seems to me this item does not belong to

this bill, yet it is "so small a baby" that I will withdraw the objection.

The CHAIRMAN. Without objection, the Committee of the Whole will return to the paragraph indicated by the gentleman from Wyoming; and the question is on the amendment of that gentleman, which has been read.

The amendment was agreed to.

The Clerk read as follows:

To pay Lieut. Col. James F. Randlett, retired from the Army, while serving as agent at the Uintah and Ouray Agency, Utah (as provided in 27 U. S. Stat., p. 120), for six months and twenty-three days, at the rate of \$1,800 per annum, the sum of \$1,015.

Mr. MORRIS. I desire to offer the amendment which I send to the desk.

Mr. CANNON. Before that amendment is read I wish to reserve a point of order on the paragraph just read.

The amendment of Mr. MORRIS was read, as follows:

Insert, after line 5 on page 41, the following:

"To pay balance due various merchants of Cloquet and Fond du Lac, Minn., from certain Fond du Lac Indians for supplies furnished to said Indians at the request of the Indian farmer, as ascertained by the Secretary of the Interior under the provisions of the Indian appropriation act approved June 10, 1896, as follows: H. B. Allen, \$24.14; Charles Gasper, \$1,049.46; J. A. Reae, \$44.91; James A. Wallace, \$232.68; Kelly & Moses, \$40.49; Mrs. James Peacha, \$116.95; James Peacha, \$188.12; Frank P. Thompson, \$964.51; A. H. Simons, \$176.85; in all, \$2,856.11."

Mr. CANNON. I insist on my point of order to the pending paragraph; and it is also perfectly evident from my standpoint that the amendment is subject to a point of order in whatever shape it may be offered. Therefore I insist upon my point of order to the amendment also. These are mere claims. Even if they were audited and ascertained, they belong to the deficiency bill.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. MORRIS] wish to be heard on the point of order?

Mr. MORRIS. Not on the point of order; but I would like to say to the gentleman from Illinois that these claims have already been ascertained in the very best possible way, through a thorough examination by the Secretary of the Interior.

And these amounts, Mr. Chairman, which we desire to appropriate by the amendment are only the balances of the amount found due by the Secretary of the Interior himself, of which a part has been already paid. The only reason that they were not all paid before was that the fund belonging to the Indians, out of which they could have been paid, was appropriated by Congress and paid to the Indians themselves before these men could get their money. There was left a balance of some \$4,000, when these claims amounted to \$7,000. That balance was paid pro rata, and these bills, which are embraced in the amendment I offer, are for the balances due and for the payment of that amount.

Of course, if the gentleman from Illinois insists upon the point of order I suppose it is well taken. I do not know about that myself. The chairman of the committee informs me that it is.

Mr. CANNON. I am constrained to insist upon the point of order.

The CHAIRMAN. The point of order being made, the Chair will hold that the amendment is clearly out of order, being an amendment which should be carried on a deficiency bill or a separate bill; and so the point of order is sustained.

Mr. MORRIS. The chairman of the committee assured me that he would not raise the point of order himself. Of course, he could not answer for the gentleman from Illinois. But I am sorry the point was made.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to negotiate, through any United States Indian inspector, agreements with any Indians for the cession to the United States of portions of their respective reservations or surplus unallotted lands, any agreements thus negotiated to be subject to subsequent ratification by Congress.

Mr. FITZGERALD of New York. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

After line 8, page 41, insert:

"For compiling and publishing, under direction of the Secretary of the Interior, a new and complete edition of Laws Relating to Indian Affairs, a compilation of all Indian treaties and agreements which have been ratified by Congress, and a new edition of Executive orders relating to Indian reservations, three separate and distinct works, \$10,000, or so much thereof as may be necessary."

Mr. CANNON. I reserve the point of order upon the amendment.

Mr. FITZGERALD of New York. I will ask the Clerk to read, then, the following extract from the report of the Commissioner of Indian Affairs with reference to this matter.

The Clerk read as follows:

NEEDED PUBLICATIONS ON INDIAN MATTERS.

The suggestions made in my last report as to the need of new compilations of laws relating to Indian affairs, of Executive orders concerning Indian reservations, and of treaties and agreements made with Indians are earnestly renewed. The latest edition of Laws Relating to Indian Affairs stops with March 4, 1884; Executive Orders Relating to Indian Reservations is brought

down no further than April 1, 1890, and the editions of both works are exhausted. Since these dates legislation of vital importance has been enacted and many changes have been made in Indian reservations. Constant calls are made on the office for the old volumes and for information as to subsequent legislation and Executive action. The public need can be met only by new editions of these books, which should, of course, be brought down to date.

In 1837 a compilation of Indian treaties from 1773 to date was made, under the direction of the Commissioner of Indian Affairs. An inaccurate Revision of Indian Treaties then in force was made in 1873. The demand for a publication that shall contain all ratified treaties and agreements made by the United States with Indian tribes is increasing. It would be in constant use in this office and would be frequently referred to by other Government bureaus and by members of Congress as well as by the public at large.

Again I urge that Congress make an appropriation to cover the expense of compiling and issuing these three publications.

Mr. FITZGERALD of New York. I wish to say, Mr. Chairman, that this is a most important provision for the convenience of the members of the Committee on Indian Affairs, who desire to secure information for the purpose of performing the duties assigned to them in connection with Indian matters, by having access to the various Indian treaties, papers, orders, and agreements. Members of the committee are unable, sometimes even at the Department, without great difficulty, to secure information required in connection with the work of the committee, and some proper compilation of these treaties and agreements is absolutely necessary if that committee is to be able in a proper manner to perform the duties imposed upon it by the House.

I hope the gentleman from Illinois will not insist upon his point of order.

Mr. CANNON. Oh, well, Mr. Chairman, we publish our laws from time to time; the supplements to the Revised Statutes are published regularly; we have the whole machinery running and working in harmony, and I do not know but that the \$10,000 sought to be appropriated is not half enough or twice too much. I rather suspect the latter. Therefore I do not think it is in order on this bill, and I make the point of order.

Mr. FITZGERALD of New York. This is the sum estimated by the Commissioner himself.

Mr. CANNON. Well, I think he is a good Commissioner, but I do not know whether he is a better lawyer than I.

Mr. FITZGERALD of New York. I would suggest, if the gentleman will permit the amendment to be considered and acted upon at this time, that if adopted it might operate for economy by enabling members to have more satisfactory information for the performance of their duties.

Mr. CANNON. The information, I think, is sufficient now, and I insist upon the point of order.

The CHAIRMAN. The gentleman from Illinois insists upon the point of order. The Chair is constrained to rule that, this being new legislation, the point of order is well taken.

The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For the support and education of 150 Indian pupils at Chamberlain, S. Dak., \$25,050; for pay of superintendent of said school, \$1,500; for general repairs and improvements, \$3,100; for increasing the capacity of school plant to 150 pupils by the erection of additional buildings and other improvements, \$20,000; in all, \$49,650.

Mr. CANNON. Mr. Chairman, I move to strike out the words "and fifty" in line 1 of this paragraph.

Mr. SHERMAN. Let me suggest to the gentleman that I think he is right in that. But he should also include a change in the total, and I will make all of the changes in a moment and hand them to the Clerk.

Mr. CANNON. Very well; that is satisfactory to me.

The CHAIRMAN. Then the Chair would suggest that this paragraph be passed over temporarily.

Mr. SHERMAN. I will suggest the necessary changes to the Clerk.

The CHAIRMAN. Without objection, this section will be temporarily passed over until the necessary changes can be made.

There was no objection.

The Clerk read as follows:

For support and education of 175 Indian pupils at the Indian school, Fort Mojave, Ariz., \$23,225; for pay of superintendent of said school, \$1,500; for general repairs and improvements, \$2,000; for erection of new dormitory, \$15,000; in all, \$41,725.

Mr. CANNON. I call the attention of the gentleman from New York [Mr. SHERMAN] to the fact that this matter is like unto the other—that we appropriate for 175 pupils and later on appropriate for the building of the new dormitory. I think the gentleman will find that this is on all fours with the other. It ought to be 150.

Mr. SHERMAN. I think that appropriation is the same as last year.

Mr. CANNON. No; it was for 150 last year and is for 175 now. You increase it by 25. It seems to me a year from this time would be the proper time to do that.

Mr. SHERMAN. There is no explanation of it in the superintendent's report. I will consent to the amendment.

Mr. CANNON. To strike out seventy-five and insert fifty?

Mr. SHERMAN. And change the amount to correspond with

the change in number. That covers it. The Clerk can make the change in the total.

The CHAIRMAN. The gentleman from Illinois moves to strike out, in lines 1 and 2, page 44, the word "seventy-five" and insert in lieu thereof the word "fifty."

Mr. CANNON. That is right.

The CHAIRMAN. And to amend the total to correspond to this change.

The amendments were agreed to.

The Clerk read as follows:

For support and education of 120 Indian pupils at the school at Hampton, Va., \$20,040.

Mr. LITTLE. I move to strike out lines 3 to 5, inclusive, on page 47, the provision for the education of 120 Indian pupils at Hampton, Va., appropriating \$20,040.

My reason for this action is an endeavor to carry out what I understand to have been the policy of the Government toward the education of the Indians in the last six years. Hampton is a contract school. The policy of the Government has been to educate the Indian children in Indian schools under Government supervision. I understand the Hampton School to be a good school and well equipped, but it is simply a case of the use of public money in a private school. It has no recommendation of the Secretary of the Interior, and there is no desire on the part of the Indian service to maintain it.

While I can not quote from that office, and having nothing direct from them, it is my opinion that the Commissioner of Indian Affairs does not want this appropriation, because there has been no little trouble growing out of the education of pupils in the contract schools, and the Government has got away from that proposition wherever it could. We have at least no request on the part of the Indian service for contracts of this kind. We have been enlarging almost every Government school in the country for the last six years. We are enlarging the reservation schools, enlarging the nonreservation Government schools, and I believe, as I have all the time believed, that it is only wise for the Government, where it can do so, to educate the Indians in Government schools, where the Government will not only have control of the children and supervision of the schools, but the payment of its own money.

The contract system grew out of a necessity at one time, which necessity does not exist now. I hope now that this provision for the Hampton School, which is not asked for by the Department, and which the Government can get along well without, will go out of the bill, in pursuance of the fixed policy of the Government to get away from the contract system of education as fast as possible.

This discussion has frequently arisen on the lines of sectarianism. It is claimed that this school is not sectarian. Conceding that, it is yet a contract school, and in my opinion violates the determined and fixed policy of the Government to educate the Indians in Government schools. Therefore I move that this be stricken out. It will not cripple the Indian service in any degree, in my opinion.

Mr. SHERMAN. Mr. Chairman, just a word. I sincerely trust that this provision in the bill will not be stricken out. While it is true that the Hampton School is not a Government school, not in that sense similar to Carlisle, but is a private school, yet it is not a sectarian school, as my friend says, and the policy which we entered upon was not based upon the fact that the schools were contract schools which Congress desired to do away with. The wording of the provision in the preceding bills shows that. What Congress attempted was to do away with sectarian schools—it was not because they were contract schools—and Hampton School is not a sectarian school. It is an industrial school in a part of the country where we can send Indians where there is no other industrial school to which they could conveniently be sent. We could send them to Carlisle, but it does not reach the same territory that Hampton does.

The gentlemen of the Indian Committee, both of the Senate and House, who have repeatedly visited Hampton, have been very firmly convinced of the excellent work that was being done in the practical education of the Indians—in making them blacksmiths, wagon makers, harness makers, and carpenters; teaching them trades with which, when they pass from the school out into life, they can make an honest living. I do think and I do trust that the provision will not go out of this bill.

Mr. LITTLE. Mr. Chairman, if the gentleman will permit me, I desire to ask him if this school is recommended by the Commissioner of Indian Affairs?

Mr. SHERMAN. It is not.

Mr. LITTLE. It does not have the recommendation of that office?

Mr. SHERMAN. It is not in the Book of Estimates.

Mr. LITTLE. Let me read the provisions of the act of 1896. I have the first original bill on this subject when this subject first came up, and the proviso of that bill is as follows:

Provided, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted

for among schools of various denominations, for the education of Indian pupils during the fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

That was the act of 1895, being the first year that this policy was invoked. That the Government was as early as practical to make provision for the education of the Indian children in Government schools, not sectarian schools. The sectarian schools, about which we have been bothered so much, grew out of the contract schools. The contract school was the best, and while the Government was trying to get away from the sectarian schools, the Government schools were established in trying to get away from the sectarian schools. I do not say that this is not a fine school, but there are fine schools all over the country where these people can learn to be blacksmiths, carpenters, doctors, and lawyers, and all those things; but they would be contract schools, and be a part of the vicious policy that we have been trying to get rid of; and we have now reached a point where we can execute that policy without detriment to the Indians. I therefore hope that this provision will be stricken out.

Mr. PACKER of Pennsylvania. Mr. Chairman, the committee after a careful consideration of this subject were by a large majority in favor of retaining this provision in the bill. We saw no good reason for eliminating this provision from the bill. This school is one of the oldest Indian schools in the East, and one of the oldest in the country, and is doing one of the best works for the Indians of any of the schools throughout the country. It seems to me that there would be as good reason for striking out the provision for the Carlisle School as for this institution. There, as the chairman of the committee has well said, they are carrying on industrial work and doing as much for the Indians as in any other school in the United States. There are at least thirty or forty different tribes represented at that school, and the parents of those students come on and witness the graduation of these scholars and take great interest and pride in the work. It seems to me that it would be taking a step backward if the amendment of the gentleman from Arkansas were agreed to. I sincerely trust that the bill as reported in this regard will prevail.

Mr. FITZGERALD of New York. Mr. Chairman, I trust that this amendment will not prevail. This is a good school. It is one that has existed since about 1873. It has always received the highest praise from the Commissioner of Indian Affairs. Never before, Mr. Chairman, in the history of the discussion of these Indian schools has there been any objection to this school upon the ground that it was a contract school. The general objection to Indian schools, other than those conducted by the Government, has not been upon the ground that they were contract schools. The discussions in this House and in the other House show clearly that the great objection to these schools was that they were sectarian schools, and the sectarian nature of the schools was considered in a very restricted and limited way. This school does not happen to come within that peculiarly constricted construction of so-called sectarian schools. In the last session of Congress the gentleman from Arkansas said:

Five years ago Congress determined upon a settled policy that the appropriations to sectarian schools should cease at the end of five years—a wise policy, I have no doubt.

There is no question in my mind whatever as to the character of this school. As I stated in the last session of this Congress, this school not only had a resident chaplain, but it prepared Indians for the ministry. I am glad that it does. That is one reason why I favor the appropriations for this school. There has been more hypocrisy displayed upon this question of sectarian schools for the education of Indians than upon any other question that has been discussed in Congress or by officials. In the report of the superintendent of Indian schools for last year the superintendent showed that in nearly every governmental school, under the guise of nonsectarian teaching, Indians were educated in the principles of some religion. The contention has been made that that is not an affair of the Government.

I think, Mr. Chairman, that the greatest misfortune that could happen to the Indians of this country would be that they should be deprived of instruction in some religion. I do not care what religion they are educated in, but I do believe that in all of these schools where the Government provides for their education, and where these Indians can not receive religious instruction, except under governmental supervision, that we ought to provide not only for religious instruction, but should permit the Indians to select the church and school of their own faith.

Mr. KING. Will the gentleman permit me to ask him a question? Has it been determined by the Department that contract schools are superior to Government schools they have established, and if it is believed that the latter are superior schools why have any contract schools?

Mr. FITZGERALD of New York. There has never been any doubt that contract schools did more than the governmental schools

for about \$59 a head less. The people who conduct these schools devote their lives to this work. They are interested in the education and advancement of the Indians; and yet, simply because some of them were educated in accord with the principles of certain churches, there was great objection to the Government appropriating money for this so-called sectarian purpose. I believe it is one of the best schools at present receiving aid from the Government. I believe it does good work. Anybody who visits the school will be convinced of it. It is true that there is a chapel and that the Indians receive religious instruction there and attend services conducted by the ministers of the different Protestant denominations.

I am glad of it, however, and for that reason more than any other I hope that this provision will not be stricken out. The Department does not ask for the appropriation, because it has been condemning the sectarian schools; they have been trying for certain reasons to get rid of them. But anybody who will look through the report of the Commissioner will see that he not only believes that this is a good school, but hopes Congress will appropriate for it without his request.

Mr. LITTLE. The gentleman from New York evidently did not listen to my remarks. I said the question of sectarian schools grew out of the contract school.

Mr. FITZGERALD of New York. The gentleman knows that the contract schools could not be divorced from sectarianism.

Mr. LITTLE. If the gentleman from New York knows anything about it, he does not suppose that the Government in the employment of its teachers would employ infidels. If the gentleman from New York will read the speech of mine that he referred to in the RECORD, he will find that one of the primary objections to the contract schools was that it was putting the Government's money into private hands. What we want is Government schools to educate them.

Mr. FITZGERALD of New York. The gentleman from Arkansas votes for appropriations for contracts in other matters.

Mr. LITTLE. That is all true, but contract schools give us the other question.

Mr. FITZGERALD of New York. No; the sectarian schools give us the contract question.

Mr. LITTLE. That is true, but I do not want any of the contract question or the sectarian question either.

Mr. FITZGERALD of New York. I want what is best for the Indians, and I hope the House will keep the appropriation in.

Mr. LITTLE. I want neither, because neither is necessary. Congress has settled its policy, and if you have a contract school you will have the sectarian question again. The question of religious teachers in private schools has no application to the question of education, because it is presumed that the Government, in the education of the Indian, will put in as teachers only people of good morality and not of any particular religion.

Mr. FITZGERALD of New York. Does the gentleman believe that the Government schools should have religious instruction?

Mr. LITTLE. I insist that in all schools teachers should be of the highest morality and that they should be religious people.

Mr. FITZGERALD of New York. They may be all that, but does not the gentleman think that they should give religious teaching?

Mr. LITTLE. No; they can be religious people and people of good morality, but they need not teach religion.

Mr. FITZGERALD of New York. It is utterly impossible to have religious people and not have them sectarian.

Mr. PACKER of Pennsylvania. I would like to ask the gentleman from Arkansas if it is not a fact that there are a greater number of colored people at this school than Indians?

Mr. LITTLE. I understand so.

Mr. PACKER of Pennsylvania. And that the State of Virginia makes an appropriation for the payment of a large sum of money for the education of these colored children?

Mr. LITTLE. I do not know about that.

Mr. PACKER of Pennsylvania. I understand that such is the fact. Does the gentleman understand that there is no religious doctrine inculcated there?

Mr. LITTLE. Oh, the gentleman from Pennsylvania is getting entirely away from the question, as is the gentleman from New York. It is not a question so much of religious people conducting these schools inculcating the doctrine of any particular church at the expense of the Government. I say that it is impolitic for the public moneys to be put into private hands and expended in this way in the contract schools. This provides for \$167, the regular price for a scholar at a school, and there is no question of economy about it. But when you step over the line and go to one contract school, when you are asked the reason why you should not go to another, you will be without a reason.

Now, this school was left out of the appropriation last year, or one year, and it ought to be left out this year. If the Indian Department is to administer this system of Indian education, then let it be administered in Government schools. We have gone to

the expense of establishing schools for this purpose, and the accommodations are abundant.

Mr. FITZGERALD of New York. Does not the gentleman know that there are not sufficient school accommodations provided by the Government?

Mr. LITTLE. Does the Secretary of the Interior make any recommendation for an increase?

Mr. FITZGERALD of New York. He shows that the number of Indian children of school age exceed the sittings in the Government schools by about ten to twelve thousand.

Mr. LITTLE. And there are about 20,000 children that you can not get to attend the schools.

Mr. FITZGERALD of New York. Here is an opportunity to furnish 150 of them with school accommodations.

Mr. LITTLE. First we have the reservation schools; and then we have the nonreservation schools, which are also Government schools. Then we have the mission schools, conducted by various denominations, and these are on the reservations when desired. They have the aid of the Indian Department, and rations are issued to the students if they are ration Indians.

Mr. FITZGERALD of New York. But notwithstanding all that, there are not sufficient school accommodations.

[Here the hammer fell.]

Mr. SHERMAN. I move that all debate on this amendment close in five minutes.

The motion was agreed to.

Mr. LACEY. Mr. Chairman, this Indian school is not a sectarian school. This question with regard to Indian schools originated at the mouth of the James River, and the settlement of the question was accomplished at the same place. The first Indian industrial school was started at Hampton, and from it have grown all the industrial schools of this country. This was the pioneer school of the whole system. It is not a sectarian school. It has rendered most effective service, and is perhaps the most complete of any of these schools, with the possible exception of Carlisle. It would be a great misfortune if this school should be done away with, and I hope no such step will be taken.

I yield the remainder of my time to the gentleman from Massachusetts [Mr. FITZGERALD].

[Mr. FITZGERALD of Massachusetts addressed the committee. See Appendix.]

The question being taken on the amendment of Mr. LITTLE,

The CHAIRMAN. The noes seem to have it.

Mr. LITTLE. I call for a division.

The question being again taken, there were—ayes 14, noes 33.

So the amendment was rejected.

The Clerk read as follows:

For support and education of 150 pupils at the Indian school at Truxton Canyon, Ariz., \$25,050; pay of superintendent, \$1,500; general improvements, \$1,000; schoolhouse, \$12,000; in all, \$39,550.

Mr. CANNON. I desire to call the attention of the chairman of the committee [Mr. SHERMAN] to this paragraph, which seems to involve an increase of appropriation beyond that heretofore made.

Mr. SHERMAN. Following the suggestion of the gentleman, I will look this matter up in a moment. Let me say, however, that in some cases—and I presume this is one—there are many more pupils now than can reasonably be accommodated. I presume this is one of the schools where there are more scholars than the old accommodations can reasonably provide for.

Mr. CANNON. I hope the gentleman will look into the matter and correct it if necessary.

Mr. SHERMAN. I will do so.

The Clerk read as follows:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: *Provided*, That not more than \$167 shall be expended for the annual support and education of any one pupil in any school herein specifically appropriated for, except when, by reason of epidemic, accident, or other similar cause, the attendance is so reduced that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That this provision shall apply to the fiscal years 1899 and 1900.

Mr. CANNON. I would like to ask the gentleman in charge of this bill whether or not there is any provision for the education of Indian children provided for in this appropriation or in other appropriations, at the colleges and universities throughout the country?

Mr. SHERMAN. No, sir. No provision is made for the education of an Indian child at a college or university.

Mr. CANNON. Is there any provision by which they can be educated at public schools other than those provided for on the reservations by this bill?

Mr. SHERMAN. Oh, yes; at the district schools in the States.

Mr. CANNON. Off the reservations?

Mr. SHERMAN. Yes, sir.

Mr. CANNON. Taken from one State to another?

Mr. SHERMAN. No—

Mr. CURTIS. Only in schools located near the reservations.

Mr. CANNON. And the United States pays the expense?

Mr. SHERMAN. Yes, sir.

Mr. CANNON. I was impressed with the idea that more or less of the Indian pupils were educated at the universities and colleges of the country.

Mr. SHERMAN. Not at the expense of the United States.

Mr. CANNON. Now, Mr. Chairman, if I may be indulged a moment, I want to put in the RECORD what is being done in the way of education of Indian children, and compare it with some of the educational institutions in this country for the white children.

Commencing with 1887, the expense of the education of Indian children was \$1,210,000. This sum has grown until the year 1901, when this bill carries the sum of \$3,070,379.

I want to put further into the RECORD the statement that by the census of 1890 there were 248,000 Indians, all told—men, women, and children. Of this 278,000, 90,000 are in New York and the Indian Territory, and are not covered by any of these appropriations. So that there are less than 200,000 Indian population provided for, and for the school children of that number of people we make provision by appropriating \$3,000,000 and over for their education.

Now, let me say further that the total attendance at the Indian schools last year—1900—is reported by the Superintendent of Schools to be 21,568. By way of comparison let me show you that the school population of the District of Columbia is in round numbers 45,000. This is over twice as great as the number of pupils in all of the Indian schools combined. Part of this Indian appropriation is for day schools and part for boarding schools, and the total cost for the year 1901 for the Indian schools, as I have shown you, is \$3,070,367, while for more than twice the number of school children of the District of Columbia the total appropriation is but \$1,381,326. Here is largely over double the population, and under a system of schools, as I understand it, the best on earth, and in addition to that the text-books are furnished out of this amount.

Mr. CURTIS. But the gentleman should remember that the schools in the District of Columbia are all day schools, while the schools on the Indian reservations are nearly all boarding schools.

Mr. CANNON. Oh, I understand that part of them are.

Mr. CURTIS. Nearly all of them.

Mr. SHERMAN. Besides that the gentlemen should remember that these day schools on the reservation give lunch to the Indian pupils—give them a meal once a day.

Mr. CANNON. I think that is probably done here also.

Mr. CURTIS. Besides that, in the District of Columbia we have one superintendent; but the Indian service has one for nearly every school. A large number of superintendents are necessary because the schools are scattered all over the country, and when you take into consideration the number of schools and the number of people employed and the fact that nearly all are boarding schools you will find that the expense is not much greater in the Indian school than the expense in the District.

Mr. KING. I would like to ask the gentleman from Illinois a question in connection with his statement.

Mr. CANNON. Certainly.

Mr. KING. I would like to ask if the figures that the gentleman quotes do not include also the construction of a number of schoolhouses?

Mr. CANNON. Undoubtedly. But there is a larger construction, I apprehend, in the District of Columbia than in the Indian schools.

Mr. CURTIS. How many children attend school in the District of Columbia?

Mr. CANNON. Forty-five thousand.

Mr. CURTIS. Are there 45,000 in attendance, or are there that many children of school age in the District?

Mr. CANNON. Well, substantially all of them attend.

Mr. CURTIS. We have 27,000 Indian children, in round numbers, enrolled, and the average attendance is 21,500.

Mr. CANNON. Twenty-one thousand five hundred and sixty-eight.

Mr. SHERMAN. If the gentleman will permit me, before he gets away from the subject—

Mr. CANNON. Certainly.

Mr. SHERMAN. We not only furnish the board of these children and their text-books, but we clothe thousands of them.

Mr. EDDY. And pay their transportation?

Mr. SHERMAN. And pay their transportation to and from the schools. It really is hardly fair to compare the conditions in the District of Columbia with the conditions in the Indian schools.

Mr. CANNON. Well, I call attention to these facts for the purpose of placing in the RECORD a statement of the expenditure that is made for the education of Indian children as compared with the expenditure that is made in the District of Columbia.

Now, it is proper that I should say that I do not begrudge all proper expenditure that is made for the education of children anywhere within the boundaries of the United States. I say all "proper" expenditure, and I emphasize "proper." The gentleman from New York said he thought it would be well to educate the heart, perhaps, more than the mind of the child. The truth of the matter is that you can not, by a hypodermic process of book-learning and training, put much education either of the heart or the mind into people who have not achieved their own civilization.

Mr. Chairman, the statement which I wish to print in the RECORD is as follows:

The census of 1890 placed the total Indian population at 248,253, including about 90,000 in New York and the Five Civilized Tribes, with whom the Government has nothing to do so far as education and support are concerned, leaving less than 160,000 Indians whose children participate in the Government provision for education.

The total attendance at all Indian schools (boarding and day) for 1900 is reported at 21,568.

The school population of the District of Columbia is about 45,000.

INDIAN SCHOOLS.			
1887.....	\$1,210,915.00	1896.....	\$2,056,515.00
1888.....	1,181,415.00	1897.....	2,518,815.00
1889.....	1,348,015.00	1898.....	2,630,771.35
1890.....	1,379,568.13	1899.....	2,638,390.00
1891.....	1,842,770.00	1900.....	2,936,080.00
1892.....	2,216,650.00	1901.....	3,070,367.00
1893.....	2,312,385.00		
1894.....	2,243,482.38	Total.....	31,627,833.86
1895.....	2,041,695.00		

The total Indian population is about 250,000.

The public schools of the District of Columbia, the finest system probably in the world, cost, including buildings, free books, etc.:

1899.....	\$1,256,375
1900.....	1,381,326
1901.....	1,525,711

Mr. GAINES. Mr. Chairman, I should like to ask the gentleman reporting this bill a question. The gentleman from Illinois speaks of the school system as being a uniform school system. I should like to ask if you have adopted, and if not, why not, a uniform schoolbook system in the Indian schools? We have recently adopted it in Tennessee, and it works well. It saves a great deal of money and gives us a fine lot of books. I understand the State of Texas, and in fact a great number of States, have adopted that system.

Mr. CURTIS. The Superintendent of Indian Schools selects a number of books, a list of which is published, and this list is sent to each agency. The teacher in charge selects from the list of books furnished by the Indian Office.

Mr. GAINES. Who does this?

Mr. CURTIS. The Superintendent of Schools, under the direction of the Commissioner of Indian Affairs, sends a list to each teacher at the Indian schools, and they select from that list.

Mr. GAINES. The point I made was not so much about the distributing of the books, but whether the books were uniform.

Mr. CURTIS. In that one school they are uniform; yes.

Mr. GAINES. In other words, you know in the old blue-back spelling-book schools that we had years ago different children had different books, and they did not have the uniform system that we have now.

Mr. CURTIS. They have the same books in the same school.

Mr. GAINES. In other words, they have a uniform book system.

Mr. CURTIS. As I understand it. Of course they may use a different kind of book in one school from that in another school.

Mr. GAINES. That is the exact point of my inquiry.

Mr. CURTIS. But they use the same books in the same school.

Mr. GAINES. I will give the House the benefit of an observation that I have recently made in my own State. The people of Tennessee, as in a great many other States, have had wrung out of them immense prices—exorbitant prices—for schoolbooks, and they have been changed from year to year. Whenever a different teacher would come in he would want a different book; and when the child would go to attend another session, he would have to get a different book, and so on. In other words, each teacher had a different book and recommended a different book. The result was that the people were practically robbed of cheap books. The legislature has adopted what is known as the universal book system, and the supreme court has upheld the law, which is working admirably and saving a great deal of money to the parents. For instance, a book that formerly cost a dollar we get now for about 33 cents, with the privilege of turning in an old book at about 10 per cent of the original cost. I do not know what this system is; I know nothing about what kind of books you are using, but I

give the benefit of this information to the gentlemen who, I am satisfied, know more about it than I can possibly show that I know.

The Clerk resumed and concluded the reading of the bill.

Mr. SHERMAN. Mr. Chairman, I ask to go back to page 42, where the committee agreed to an amendment striking out the words "and fifty," in line 1, and that the following changes be made to correspond with that amendment: In lines 2 and 3 strike out "\$25,050" and insert "\$16,700;" in line 8 strike out "nine" and insert "one;" and in line 9 strike out "six" and insert "three" and strike out "fifty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 42, line 1, strike out the words "and fifty;" in line 2 strike out the word "twenty-five;" in line 3 strike out the words "thousand and fifty" and insert "sixteen thousand seven hundred;" so as to read "\$16,700;" in line 8, after "forty," strike out "nine" and insert "one;" and in line 9 strike out "six" and insert "three" and strike out "and fifty;" so as to read "\$43,300."

The amendment was agreed to.

Mr. SHERMAN. Now, Mr. Chairman, on page 43, line 4, to correct a clerical error, strike out the word "and" preceding the word "five" and insert the word "hundred" after the word "five."

The Clerk read as follows:

Page 43, line 4, strike out the word "and" and insert "one hundred" after the word "five;" so as to read "\$2,500."

The amendment was agreed to.

Mr. SHERMAN. Now, Mr. Chairman, if we can return to page 34, the gentleman from Iowa [Mr. LACEY] has an amendment which he will offer, to take the place of that section following line 22.

Mr. LACEY. The chairman of the Committee on the Judiciary has prepared a substitute for the amendment which I have drafted, which I think is perhaps in better form than the one I had prepared, and I yield to him.

The CHAIRMAN. The gentleman from New York [Mr. RAY] offers the following amendment.

The Clerk read as follows:

Strike out all after the word "further," line 22, page 34, down to and including the word "clerks," in line 13, page 35, and insert in lieu thereof the following:

"That hereafter the clerks of the district courts in the Indian Territory shall account to the United States for all fees earned and collected by them in accordance with such rules and regulations as the Attorney-General shall prescribe. They shall annually pay over to the Treasurer of the United States all such fees collected and earned by them in excess of the necessary expenses incurred and paid by them for attendance on court, record books, stationery, and clerk hire, subsequent to May 31, 1900; such expenses to be allowed and retained by said clerks on accounts approved by the judge of the court when accompanied by proper vouchers. And such clerks shall hereafter be paid the sum of \$500 each per annum for all extra services in addition to their regular salary."

The amendment was agreed to.

Mr. SHERMAN. I now move that the committee rise and report the bill, with amendments, favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12904) making appropriation for the Indian service, and had directed him to report the same back with amendments, and with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded upon any amendments? If not, they will be submitted to the House in gross.

The amendments were agreed to in gross.

The bill as amended was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill making appropriations for the Military Academy.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. GROSVENOR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the appropriation bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12346) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous

consent that the first reading of the bill be dispensed with. Is there objection?

Mr. KING. I object.

Mr. HULL. This is simply the first reading. It does not dispense with the reading of the bill by paragraphs.

Mr. KING. If the bill is to be read by paragraphs, I withdraw the objection.

The CHAIRMAN. Is there further objection? [After a pause.] The Chair hears none.

Mr. HULL. Mr. Chairman, I only want to detain the committee one minute. The bill is unanimously reported by the committee, and there is just one paragraph in it in my judgment that a point of order would lie against, and that is in the twenty-third page, in the paragraph making appropriation of \$10,000 for a centennial celebration at Westpoint. The balance of the bill is simply the appropriations necessary from year to year, a little increase in the bill on different lines because Congress at its last session provided for an increase of the corps of cadets to the number of 100.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman from Iowa how much more this bill carries than the bill last year.

Mr. HULL. Twenty-five thousand dollars, including the \$10,000 I have referred to. But I want to say in fairness to the committee of the House that the bill will finally, in my judgment, have an addition made for water supply. The data was not sufficient for us to make the appropriation at this time, but Congress, if it shall later have the information that will justify it, will be called upon to purchase Long Pond, and there will be an additional appropriation for that.

Mr. RICHARDSON of Tennessee. How much?

Mr. HULL. We have not got the estimates yet.

Mr. RICHARDSON of Tennessee. How much does the bill carry in the aggregate?

Mr. HULL. It carries in the aggregate \$700,151, and was \$674,306 for current year. The additional number of cadets and the absolute necessity of making absolute provision for them accounts for all the increase. I will say that the gentleman from New York [Mr. SULZER], the gentleman from Virginia [Mr. HAY], the gentleman from Texas [Mr. SLAYDEN], and the gentleman from Illinois [Mr. JETT] were all in thorough accord with the entire action of the committee. We cut off every item which could be dispensed with.

Mr. RICHARDSON of Tennessee. And did they understand that the bill would be called up this afternoon?

Mr. HULL. That it would be called up to-day, if it could be reached. They have gone home with the understanding that if there was any fight on the bill, we would not attempt to pass it, but if there was no fight it was perfectly satisfactory to every one of them that it should be called up and passed.

Mr. RICHARDSON of Tennessee. Does the gentleman from Iowa intend to have any general debate on the bill?

Mr. HULL. I did not suppose it would be necessary.

Mr. RICHARDSON of Tennessee. My colleague, Mr. GAINES, wants ten minutes.

Mr. HULL. The arrangement with the minority members of the Committee on Military Affairs was that there would be no general debate, but after the recess, when the Army bill came up, we would make provision for reasonable debate, and it was satisfactory to all the members. One gentleman from New York, not a member of the committee, wanted time, and he said that was perfectly satisfactory to him; that he had no objection to a single feature of the bill, but if he could say a few words on military matters in general when the Army bill came up he would be satisfied.

Mr. RICHARDSON of Tennessee. My colleague, Mr. GAINES, desires ten minutes. Of course he could get it under the five-minute rule, but he prefers to take it under general debate.

Mr. HULL. He could get it under the five-minute rule just as well.

Mr. RICHARDSON of Tennessee. Yes; but he would have to get consent for an extension.

Mr. HULL. Well, Mr. Chairman, I ask unanimous consent that general debate close in ten minutes, the gentleman from Tennessee [Mr. GAINES] to occupy the ten minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that general debate close in ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES. Mr. Chairman, I desire to challenge the attention of this honorable body to some of the history that pertains to and, as I think, sheds light on the meaning of the word "land," as used in the term "the supreme law of the land," found in the Constitution, which ordains:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

I contend, as here used, the word "land" includes and means the land or territory of the United States, composed of States, and territory organized and unorganized. The debates in the Convention which framed our Federal Constitution show that the word "land" was substituted for the words "respective States and several States," found in the first and second propositions submitted to this Convention. The former reads:

Resolved, That the legislative acts of the United States made by virtue and in pursuance of the articles of union, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective States, as far as those acts or treaties shall relate to the said States or their citizens and inhabitants; and that the judiciaries of the several States shall be bound thereby in their decision, anything in the respective laws of the individual States to the contrary notwithstanding.

This Convention met in the spring of 1787, and on July 26 adjourned until Monday, August 6, "that the committee might prepare and report the constitution."

On reconvening, the committee on detail, to whom this resolution had been referred, reported the same or second proposition with certain changes, in the following words:

The acts of the legislature of the United States, made in pursuance of this Constitution, and all treaties made under the authority of the United States, shall be the supreme law of the several States, and of their citizens and inhabitants; and the judges of the several States shall be bound thereby in their decisions; anything in the constitutions or laws of the several States to the contrary notwithstanding.

And without debate, on August 23, on motion of Mr. Rutledge, the Convention unanimously amended this resolution, as reported, by substituting this provision:

This Constitution and the laws of the United States made in pursuance thereof, and all treaties made under authority of the United States, shall be the supreme law of the several States and of the citizens and inhabitants; and the judges, etc.

Later, after the words "all treaties made," "or which shall be made" was inserted, which meant to "obviate all doubt concerning the force of treaties," says Mr. Madison.

Finally the committee on style and arrangement reported this provision as it now reads in our Constitution and without explaining why the word "land" was substituted for "States."

It will be noticed that the word "constitution" was prefixed, and, by the subsequent changes, declared literally to be "the supreme law of the land;" that the words "acts of the legislature of the United States" were succeeded by the laws and treaties made by the authority of the United States, and that the words "and of their citizens and inhabitants" were eliminated entirely because unnecessary, since the "citizens and inhabitants of the 'land'—the States and Territories of the United States—would be bound and protected by the Constitution, which was declared to be "the supreme law of the land." Such a Constitution extended to them by being the law of the (their) "land."

Declaring this people should be bound by the law of the "land" was an unnecessary declaration. Finally we notice that the words "several States" were omitted, and in their stead the significant and broader term "land" was used.

This provision of the Constitution, thus amended, not only declared, in so many words, that the Constitution is the supreme law, but went further, and declared it was the supreme law of the land.

The laws in question of the United States are:

1. This Constitution, created by "the people."

2. The statutes enacted by Congress.

3. Treaties made by the Senate and President.

The Congress—House and Senate—enacts a law for a Territory; it is the law of such "land" and the United States.

Why? The Constitution says so.

The Senate makes a treaty acquiring territory—lands. Is not that treaty law, and the law of the territory acquired and of the United States? Why? The Constitution says so, although Congress, the regular law or statute making power, does not make such treaty, but the Senate does by virtue of the Constitution, which so ordains.

Then why should not the Constitution, which "is" law, "the supreme law," and of the "land," be the law of such acquired territory?

The Constitution says it is such law of such "land" and of the United States—i. e., States and Territories.

I am at a loss to see how the Constitution can make a treaty a law of a territory and yet the Constitution be not the law and supreme law of such land. The very words that make a treaty such law also declare the Constitution to be the same thing—the law of the land, the States, and the land or territory of or belonging to the United States.

The Constitution is self-declaratory in this provision. The fact that all its provisions are not necessary, or, to use the usual term, not "applicable" to such "land," arises from a condition in and of such land and not from the nonapplication of the Constitution or a defect in it. It is, nevertheless, the law there—the highest law, and should be—as it witnesses and protects human rights, life, liberty, and pursuit of happiness, things which make life

worth the effort to live. Hence the Constitution then is and should be the self-declared law of our land until the people—not Congress nor the Senate nor President—say otherwise.

Confessedly the Constitution is not the law of any foreign "land." It is the law of this "land."

Why was this change from the "several States" made to that of "land." No reasons are given in the debates. It is perfectly plain that such a change was necessary, and known to be necessary by the members of this great Convention, *nine of whom were also members of the Congress at this time.* Congress had twice requested the several States to cede to the United States their unappropriated territory. *These requests were made before this Convention met.*

There had been four cessions of territory made before it convened. All cessions were made by public statute. They were notorious and important facts and well known to both the Congress and the Convention.

Indeed, while this Convention was in session, August 9, 1787, three days after it reconvened, another cession of territory was made to the United States. Still later, and after the Constitution had been ratified, other cessions were made.

In replying to a remark made in this Convention by Mr. Madison on the subject of the basis of representation, Mr. Gorham said:

It is not to be supposed that the Government will last so long as to produce this effect. Can it be supposed that this vast country, including the western territory, will, one hundred and fifty years hence, remain one nation?

So we see that on August 8, 1787, a distinguished member of this Convention, in the presence of Mr. Sherman, Mr. Madison, Mr. Ellsworth, Mr. Morris, and others, then engaged in a colloquy, treated, as did the members of the Convention there and then, by at least their silence, this "Western territory" as "part of this vast country."

It is perfectly plain that the Convention did treat this territory as part of the "land" composing the United States.

In July, 1787, the old Congress passed the celebrated "Ordinance of 1787" for the government of this territory, and declared it was then a part of the United States and was to remain so. And Congress so treated it. The people of this territory were "citizens and inhabitants," therefore, of the United States, and this ordinance acknowledged and agreed to protect each and every one of them in all of their fundamental rights, giving them, as near as possible, local self-government.

Nothing but the "law of the land" or "constitutionally" enacted laws could, says the Ordinance, interfere with their rights. Was it not then very natural for the framers of our Constitution to make and literally declare that our Constitution should be the law of this "land," as well as the States? The States having local self-government, it was right and proper for Congress to be empowered to govern this territory and protect "the citizens and inhabitants" thereof in all their rights. Hence, the fundamental law, then being made, was broadened so as not only to be the supreme law of the several States, but the supreme law of the land composed of States and Territories, present and future.

The first and second propositions would have confined this supreme law to "the several States;" it could not have applied, at least without straining the timbers of the Constitution, to any other "land" than "the several States."

This ordinance of 1787 was made to operate in our Territories, and not in the States. The Constitution was made to operate in both the States and Territories, throughout the United States, or throughout our country, or throughout our Republic, or throughout the American empire. Our Supreme Court, past and present, and great law writers have repeatedly used these terms in referring to the operation of our laws or the limits of our Republic.

Mr. Justice Baldwin, in his work entitled "Origin and Nature of the Constitution," makes the same application for the word "land" that I do. He says:

The Constitution was intended for posterity, through all times; and for the "land," the whole territory and all the States old and new.

To have said that the Constitution is the supreme law of the States would possibly not have been as broad term as the word "land," for we know that the Supreme Court in an early case construed the word "territory," as used in the Constitution in another section, to mean "lands," and has never retracted this definition, for it was a fact that our territory was mostly composed then of vacant land or territory, and that court has held that the word "United States" includes States and Territory.

And on that point I quote again from Justice Baldwin, who bases his contention upon the adjudications of the Supreme Court of the United States, of which he was, as you know, a distinguished member at one time. He says:

This term United States designates the whole American Empire. It [United States] is the name given to our great Republic, composed of States and Territory (5 Wheaton, 514), constituent parts of one great empire (5 Wheaton, 414), who have formed a confederated government (12 Wheaton, 314; 2 Pet., 590-591), by the act of the people of the "Great Empire;" the Great Republic, the American Empire, the United States.

The Supreme Court of the United States, in 114 U. S., 546, Chicago, etc., against McGlynn, held that where property was ceded to the United States all laws in contravention of the Constitution of the United States yielded to the Constitution and laws of the land; and while discussing a territorial question and the Constitution, declared in *Maynard v. Hill*, 125 U. S. Rep., that it was unnecessary to extend the Constitution to our territories.

Again, the articles of the confederation were framed in 1777. Territory was ceded as early as 1781 to the then "United States." The old Government was succeeded by the Constitution in 1787-88. The ordinance of 1787, passed to, and did, govern this territory, contained rights personal and political—fundamental, that were not to be and could not be abrogated save by the "judgment of his peers" or "the law of the land" or by "constitutionally" enacted laws, says this ordinance.

Our new or present Constitution provided for these very rights, and declared that "this Constitution and the laws of the United States" and our treaties "is the supreme law of the land," and provided expressly for the keeping inviolate the pledges made in this ordinance by article 6, section 1: "All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the confederation," and the Supreme Court has repeatedly so held. (10 Howard, 94-97, approving 3 Howard, 96.)

Now, following right along in the same article 6, section 2, we find this declared: "This Constitution, and the laws of the United States," etc., "is the supreme law of the land." What land? The "land" then ceded, then in question, and to be ceded for all time. We were then treating about territory and the "citizens and inhabitants" thereof.

By the very words of this ordinance these people and this "land" were to have the full protection of the "law of the land," which was then the articles of confederation, and now "this Constitution," which in 1787-88 we, "the people," said "is the supreme law of the land." And the court so holds:

The Constitution was, in the language of the ordinance—

That is, of 1787—

adopted by common consent, and the people of the Territories must necessarily be regarded as parties to it and bound by it, and entitled to its benefits, as well as the people of the then existing States. *It became the supreme law throughout the United States.* And, so far as any obligations of good faith had been previously incurred by the ordinance, they were faithfully carried into execution by the power and authority of the new Government. (10 Howard, 96, *Strader vs. Graham*.)

Justices Taney, Wayne, McKinley, Daniel, Nelson, Woodbury, Grier, McLean, and Catron then composed this court. The court affirms a similar holding in *Pollard vs. Hagan* (3 Howard, 212), an opinion delivered when Justice Story graced that court. In this case the court said:

And all constitutional laws are binding on the people in the new States and the old ones whether they consent to be bound by them or not. Every constitutional act of Congress is passed by the will of the people of the United States, expressed through their representatives, on the subject-matter of the enactment.

And when so enacted they are the law of the land by their "own force" in State or Territory. The court continued:

And when so passed it becomes the supreme law of the land and operates by its own force on the subject-matter in whatever State or Territory it may happen to be. The proposition, therefore, that such a law can not operate upon the subject-matter of its enactment without the express consent of the people of the new State where it may happen to be contains its own refutation and requires no further examination.

"And when so passed it (law) becomes the supreme law of the land." What land? The court answers: "State or Territory," "and operates by its own force."

Can a statute, dependent upon it, do more than the Constitution? The Constitution is *self-declaratory*, operating in the "land" whereof it is the law—the *supreme law*.

In *Graham's* case the court further said:

In fact, when the Constitution was adopted the settlement of that vast territory was barely begun, and the people who filled it and formed the great and populous States that now cover it became inhabitants of the territory after the Constitution was adopted, and migrated upon the faith that its protection and benefits would be extended to them and that they would in due time, according to its provisions and spirit, be admitted into the Union on an equal footing with the old States.

The Constitution being the law of this Territory—"the land"—this court has repeatedly held the Constitution repealed this ordinance. In *Graham's* case the court so held:

As we have already said, it (ordinance) ceased to be in force upon the adoption of the Constitution, and can not now be the source of jurisdiction of any description in this court.

The court shows the fact, we may add, that Congress recognized this repeal, and says:

These provisions owed their legal validity and force after the Constitution was adopted, and while the territorial government continued, to the act of Congress of August 7, 1789, which adopted and continued the ordinance of 1787, and carried its provisions into execution, with some modifications, which were necessary to adapt its form of government to the new Constitution.

This clearly proves the Constitution is the law of the Territory, otherwise it could not have repealed this Territorial statute. All this goes to show conclusively that the Constitution

is the law of our territories, because the law of the "land," or "throughout the United States," as the court in these cases say, and that it extends to the territory by reason of the fact it is the law of the land. And as Justice Marshall said in (*Cohens vs. Virginia*, 6 Wheaton, 112), in construing the eighth section of the first article of the Constitution, giving Congress exclusive power and right to legislate for the "seat of government," and the second clause of the sixth article: "This Constitution, etc., is the supreme law of the land"—"binds all the United States."

He had in 5 Wheaton, in the *Loughborough* case, already defined, as we have shown, the words "United States" to mean our States and Territories, and hence in the *Cohens* case he uses the briefer term "all the United States" in speaking of a case involving a law passed by Congress giving the city of Washington in the District or "Territory of Columbia" certain rights which conflicted with a statute of the State of Virginia.

The Clerk, proceeding to read the bill by paragraphs for amendment, read the following:

For pay of 481 cadets, at \$540 each, \$259,500.

Mr. McRAE. Mr. Chairman, I desire to suggest to the gentleman from Iowa [Mr. HULL] that this paragraph should be amended. A year ago I made a similar suggestion when this item was reached in the Military Academy bill; and the answer of the gentleman then in charge of the bill—the gentleman from Rhode Island, I believe—supplemented by his colleague on the committee—the gentleman from Illinois [Mr. MARSH]—was that the paragraph was in the usual form.

I accepted their positive statements at that time as correct. I have since found that in that bill, as well as in this, the committee has not followed the usual phraseology; and the departure from the accustomed language may make some embarrassment at the Treasury Department. So, unless the gentleman in charge of the bill will offer such an amendment, I will move to strike out so much as specifies the number of cadets and the rate of pay for each, so as to make appropriation for the pay of cadets, be the number large or small.

If gentlemen will refer to the Book of Estimates, page 163, they will find in the middle of the page that the Department has called attention to the discrepancy. It is not usual to employ the phraseology which we find in this bill. If we refer to the act of February 27, 1899, and other acts prior to the last, when this error was adopted by the Committee on Military Affairs, we find that the appropriation was—

For pay of cadets—

such and such amounts.

When you appropriate for a specified number of cadets at so much for each you should be accurate as to the arithmetic. We should appropriate the amount necessary, without limiting the number of cadets. Unless the gentleman from Iowa will move an amendment, I will myself move the proposition I have indicated—to strike out the number and pay of cadets. Both are fixed by law, and need not be repeated in this bill.

Mr. HULL. Mr. Chairman, I do not care whether the number be inserted or not. Four hundred and eighty-one cadets, if I remember correctly, are now provided for by law. The number which we propose to appropriate for in this bill is the average number in the Academy; and according to the testimony given before the committee this appropriation will meet the expenditures of the Academy on account of the pay of cadets. It seems to me that if we follow the language of the estimates we are not doing a bad thing. But this matter is not vital one way or another. Either way the same amount of money is appropriated and for the same purpose—the pay of the corps of cadets.

If the gentleman from Arkansas [Mr. McRAE] is anxious about the language, I care nothing for the words used. Personally, I will vote against a change in the language. This gives the House the information that there are 481 cadets, and they are paid \$540 each per annum.

Mr. McRAE. Mr. Chairman, I submit that the language of this provision does make some difference, but my chief concern now is to show the correctness of my statement, made in the last session, to the effect that the language then used, and now repeated in this bill, was not the language of previous appropriation acts. I now call attention to the previous laws, copies of which I hold in my hand, to show that such is not the case. I move the amendment which I send to the desk.

The Clerk read as follows:

On page 2 strike out, in lines 3 and 4, the words "481 cadets at \$540 each," and insert the word "cadets," so as to read—
For pay of cadets, \$259,500.

The question was taken; and on a division (demanded by Mr. McRAE) there were—ayes 23.

Before the negative vote was counted,

Mr. HULL. Mr. Speaker, there is no use in taking up the time; it is a matter of indifference. Let it go.

So, no further count being demanded, the amendment was adopted.

Mr. BAILEY of Texas. Mr. Chairman, I desire to ask the Chairman of the Committee on Military Affairs if the faculty at the Military Academy have the power to expel cadets who engage in the practice of hazing.

Mr. HULL. I can only say in response to the gentleman from Texas that last year they did expel two, I think, if not more, and the present Superintendent is urging the most stringent measures and has given explicit instructions in the matter, and is doing everything in his power to break up the barbarous practice.

Mr. BAILEY of Texas. Because I notice in the printed testimony, in connection with the investigation now pending, that certain of the cadets themselves have admitted, on the witness stand, that they have been engaged in hazing.

Mr. HULL. That is true.

Mr. BAILEY of Texas. And for my part I think the man who engages in hazing ought to be expelled, and every professor who permits it ought to be dismissed. I do not believe it necessary to make a man a brute in order to make him a soldier, and if the practice can not be abolished the Academy ought to be. [Applause.]

Mr. HULL. And the Naval Academy as well.

Mr. BAILEY of Texas. Unquestionably.

Mr. HULL. I agree fully with what the gentleman says, and that the same stricture should apply to both of the national schools. When the reports come in from the committees who are now examining the matter, the House will have ample opportunity to take action upon it.

I ask for the reading of the bill.

The Clerk read as follows:

For one furnace and connection, complete, for one set of quarters belonging to the cadet quartermaster's department and occupied by one of its employees, to be immediately available, \$250.

Mr. SHATTUC. I would like to ask the gentleman in charge of the bill a question. Is any provision made for the purchase of Tabasco sauce? [Laughter.]

Mr. HULL. Well, we are making provision for the Academy, and if they want to buy Tabasco sauce I suppose they can buy it. The Clerk resumed and concluded the reading of the bill.

Mr. HULL. I move that the committee now rise and report the bill to the House with the recommendation that it pass. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROSVENOR reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 12846, the Military Academy appropriation bill, had directed him to report the same to the House with an amendment and with favorable recommendation.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

PERSONAL STATEMENT.

Mr. FITZGERALD of New York. Mr. Speaker, this morning, in answer to a question from the Chair, I stated that I had been paired the day before yesterday on the bill that passed yesterday. On examination I found that I was not paired, and would like the statement made.

The SPEAKER. The statement of the gentleman will be incorporated in the Record.

THE APPORTIONMENT BILL.

Mr. HOPKINS. Mr. Speaker, I am directed by the Committee on the Census to report back the bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census, with a favorable recommendation.

I will state that the gentleman from Indiana, Mr. CRUMPACKER, and the gentleman from Maine, Mr. BURLEIGH, each desires to submit a minority report.

Mr. BURLEIGH. Mr. Speaker, on behalf of the minority of the committee, I beg leave to submit at this time the views we entertain, and ask to have them printed with the report of the committee.

Mr. CRUMPACKER. I have a statement embodying supplemental views on the part of Mr. RUSSELL and Mr. HEATWOLE, who are necessarily absent and asked me to submit them when this report was made. I have also some views of my own with reference to a particular part of the measure, which I desire to have embodied in the report of the committee.

The SPEAKER. The gentleman from Illinois reports back the bill H. R. 12740, the apportionment bill, which, together with the views of gentlemen representing the minority, will be printed and referred to the Committee of the Whole House on the state of

the Union. The report of the committee and the views of the minority will be printed together as one document.

Mr. HOPKINS. I desire to give notice that on the reconvening of the House after the holiday recess I shall desire to take the bill up for consideration.

Mr. BARTLETT. Did the gentleman from Illinois name any particular day?

Mr. HOPKINS. I did not name any particular day, but it is my purpose to consult with the Speaker about the day that will be most convenient for the consideration of the bill, and at as early a date as possible I shall ask for the consideration of it.

Mr. BAILEY of Texas. Does the gentleman from Illinois consider this a privileged matter that he can call up at any time?

Mr. HOPKINS. I have no doubt of it, under the ruling of the Chair.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1803. An act granting a pension to Julia E. G. Lewis;
H. R. 10778. An act granting an increase of pension to Martin V. B. Winkler;

H. R. 10750. An act granting a pension to James H. Rainey;
H. R. 10749. An act granting a pension to Henry L. White;
H. R. 10743. An act granting a pension to Augustus Ullman;
H. R. 10524. An act granting an increase of pension to Lewis H. Riden;

H. R. 10381. An act granting an increase of pension to Gideon W. T. Ridlon;

H. R. 9719. An act granting a pension to Amos W. Felker;
H. R. 9555. An act granting an increase of pension to Nicholas Briggeman;

H. R. 9176. An act granting a pension to Emily Haines Harrison;

H. R. 9010. An act granting an increase of pension to Charles W. Westfield;

H. R. 8735. An act granting an increase of pension to Annie B. Sharrard;

H. R. 8540. An act granting a pension to Lydia J. De Silva;
H. R. 8218. An act granting a pension to Mary E. Lacey;

H. R. 8207. An act granting a pension to Joseph Quinn;
H. R. 7600. An act granting an increase of pension to Charles Claussen;

H. R. 7553. An act granting an increase of pension to Fannie M. O'Linn;

H. R. 7328. An act granting an increase of pension to John Nicklin;

H. R. 7190. An act granting an increase of pension to George O. Cole;

H. R. 7012. An act granting an increase of pension to Emma C. Stephenson;

H. R. 6947. An act granting an increase of pension to Alonzo C. Rembaugh;

H. R. 6424. An act granting a pension to Charles S. Devine;
H. R. 6096. An act granting an increase of pension to Samuel W. Kirkendall;

H. R. 4679. An act granting a pension to Micager Philpot;
H. R. 1288. An act granting a pension to Cornelius W. Roberts;

H. R. 315. An act granting an increase of pension to Moses H. Tabor;

H. J. Res. 277. Authorizing the appointment of CHARLES A. BOUTELLE as a captain on the retired list of the Navy;

H. J. Res. 101. Authorizing the publication of an edition of A Digest of International Law; and

H. R. 10847. An act granting an increase of pension to Betsey A. Summers.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1876. An act granting an increase of pension to John J. Wilson;

S. 3049. An act granting an increase of pension to Mary V. Wilmarth;

S. 2543. An act granting an increase of pension to Edward A. Parmalee;

S. 2774. An act granting an increase of pension to John H. Wilcox;

S. 3880. An act granting an increase of pension to Clara E. Colbath;

S. 3505. An act granting an increase of pension to Edwin Culver;

S. 1599. An act granting an increase of pension to Cornwell M. Brill;

S. 1226. An act granting an increase of pension to George G. Kemp;

S. 712. An act granting a pension to Nellie L. Groshon;

S. 476. An act granting a pension to Franklin Cooley;
S. 444. An act granting a pension to Mary Jane McLaughlin;

S. 173. An act granting an increase of pension to John H. Morrison;

S. 3306. An act granting an increase of pension to Lucinda D. Dow;

S. 3134. An act granting a pension to Martha Agnew;

S. 3127. An act granting an increase of pension to Major A. Northrop;

S. 3056. An act granting an increase of pension to Giles W. Taylor;

S. 2830. An act granting a pension to Ailsie Bennett;

S. 2985. An act granting a pension to John Erb;
S. 2831. An act granting an increase of pension to Ermine D. Cabbell;

S. 2557. An act granting a pension to Josephine Brown;

S. 2540. An act granting an increase of pension to Byron Kurtz;
S. 2386. An act granting a pension to Joseph E. Hendrickson;

S. 2462. An act granting an increase of pension to Emma L. Du Bois;

S. 2217. An act granting a pension to Louise O. Leary;
S. 2190. An act granting a pension to Emma J. Bidwell;

S. 4688. An act granting an increase of pension to James U. Childs;

S. 1984. An act granting a pension to Rebecca Harvey;
S. 1924. An act granting a pension to Emma R. Rusling;

S. 1348. An act granting an increase of pension to Eliza M. Stillman;

S. 1245. An act granting an increase of pension to Oliver Domon;
S. 262. An act granting an increase of pension to Charles H. Irvin;

S. 751. An act granting an increase of pension to Mathew T. Jones;

S. 1347. An act granting an increase of pension to Marie Sharp;

S. 218. An act granting an increase of pension to Sarah E. Tate;

S. 2582. An act to provide for the establishment of the intersection of the true one-hundredth meridian with Red River; to ascertain the amount of taxes collected by the State of Texas, in what was formerly known as Greer County, and the expenditures made on account of said county by said State, and for other purposes;

S. 3356. An act granting a pension to Mary J. Quinn;

S. 3466. An act granting an increase of pension to John F. Hutchison;

S. 3099. An act granting an increase of pension to Melancthon McCoy;

S. 3235. An act granting a pension to Andrew Ferguson;

S. 2218. An act granting a pension to Mary R. Dean;

S. 2159. An act granting an increase of pension to Ernest Pitschner;

S. 4256. An act granting a pension to James H. Thomas.

S. 3536. An act restoring to the pension roll the name of Mary J. Calvin;

S. 3470. An act granting a pension to Rosalia Tejidor Brinckerhoff; and

S. 2152. An act granting a pension to Olive W. Lay.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies additional to the usual number of the report of Dr. Sheldon Jackson upon the Introduction of Domestic Reindeer into the District of Alaska for 1900, of which 500 copies shall be for the use of the Senate, 1,500 copies for the use of the House of Representatives, and 3,000 copies for the use of the Commissioner of Education—

to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. BUTLER, until January 8, on account of sickness in his family.

To Mr. DINSMORE, for the rest of this week, on account of sickness.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I desire to take from the Speaker's table the urgent deficiency appropriation bill (H. R. 12838) and to move to concur in two Senate amendments.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, calls up the urgent deficiency appropriation bill for the purpose of concurring in the amendments of the Senate. The Clerk will report the amendments.

The Senate amendments were read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON of Tennessee. It is almost impossible to

get a fair understanding of the amendments from the reading. I should like to have the gentleman from Illinois make some statement.

Mr. CANNON. I will state to the gentleman that there is a thousand dollars for the Senate contingent fund, and there is one other amendment of \$10,000 for the observation of a total eclipse of the sun, which is to take place in Sumatra. I was not quite sure whether it could be put off or not, and I left it out when we passed the bill through the House; but evidently the Senate inquired and found that it was to come off on time. [Laughter.]

Mr. RICHARDSON of Tennessee. When is that time?

Mr. CANNON. That is in May next, and it is halfway around the earth and some distance inland. I am only telling you now what the man at the head of this Observatory told me, that it was the most extraordinary eclipse in the tide of time. I think he said it would last about nineteen minutes.

Mr. RICHARDSON of Tennessee. I should like to ask the gentleman wherein that eclipse will differ from our late eclipse—I mean the late eclipse of the sun?

Mr. CANNON. It is the Sumatra sun, and the eclipse is longer. Our baby was shorter. [Laughter.]

Mr. RICHARDSON of Tennessee. Can the gentleman tell us the difference between that and the eclipse of the sun we had last May?

Mr. CANNON. I think there is no difference except in the length of it. I have no pride in it, but, nevertheless, I suppose it must go.

Mr. BARTLETT. Why is it urgent?

Mr. CANNON. Well, if they go at all, they must be getting ready, because it is a long way to Sumatra.

Mr. RICHARDSON of Tennessee. What is the amount?

Mr. CANNON. Ten thousand dollars.

Mr. RICHARDSON of Tennessee. How much is the total amount added to our bill by the Senate?

Mr. CANNON. Eleven thousand dollars altogether—\$1,000 for the Senate contingent fund and this item of \$10,000 for the observation of the eclipse.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Senate amendments were concurred in.

PROGRAMME OF BUSINESS FOR TO-MORROW.

Mr. PAYNE. Mr. Speaker, I understand that to-morrow no business is likely to be transacted except by unanimous consent. I would inquire of the Chair if I am correct in that?

The SPEAKER. The Chair will state, in answer to the gentleman from New York, that of course the House must decide the question as to what business is to be taken up; but the Chair would be glad to put before the House a number of matters to-morrow by unanimous consent.

Mr. PAYNE. I make this suggestion because it is very evident that we shall have no quorum to-morrow and in order that the members may understand it.

The SPEAKER. That is evident to all; but it is the purpose of the Chair to ask consideration of some matters by unanimous consent of the House, and those matters only.

And then, on motion of Mr. PAYNE (at 4 o'clock and 48 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, relating to an appropriation for the payment of claims of persons who were members of the Fourth Arkansas Mounted Infantry—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for accrediting the United States consul-general at Constantinople an agent at Sofia, Bulgaria—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with the draft of a bill, recommendations that a certain lot in Woodland Cemetery, Quincy, Ill., be transferred to that city—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Carrabelle Harbor, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Columbia River, between the foot of The Dalles Rapids and the head of Celilo Falls, Oregon and Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate for increase of salary of superintendent of nurses at the Washington Asylum—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board relating to the establishment of a light-house district in Porto Rico and adjacent waters—to the Committee on Insular Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12548) to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Mo., reported the same with amendment, accompanied by a report (No. 2123); which said bill and report were referred to the House Calendar.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10846) to authorize the construction of a bridge across the Mississippi River at or near Cape Girardeau, Mo., reported the same with amendment, accompanied by a report (No. 2129); which said bill and report were referred to the House Calendar.

Mr. HOPKINS, from the Select Committee on the Census, to which was referred the bill of the House (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census, reported the same with amendment, accompanied by a report (No. 2130), with the views of the minority; which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12063) granting an increase of pension to Eugene M. Hawes, reported the same without amendment, accompanied by a report (No. 2095); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8658) granting an increase of pension to Edwin G. Fay, late lieutenant Company C, One hundred and seventh New York Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 2096); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1566) for the benefit of Mary J. Connery, of Falmouth, Ky., reported the same with amendment, accompanied by a report (No. 2097); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12516) granting an increase of pension to Edward Warner, reported the same with amendment, accompanied by a report (No. 2098); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11836) granting an increase of pension to Bela Sawyer, reported the same with amendment, accompanied by a report (No. 2099); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8525) granting an increase of pension to Maurice Fitzgerald, reported the same with amendment, accompanied by a report (No. 2100); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1978) granting an increase of pension to Ellis P. Phipps, reported the same without amendment, accompanied by a report (No. 2101); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6921) granting an increase of pension to Gustav Reinecker, of Alexandria, Va., reported the same with amendment, accompanied by a report (No. 2102); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions,

to which was referred the bill of the House (H. R. 6914) granting a pension to Elliott Loomis, of Gibbon, Nebr., reported the same with amendment, accompanied by a report (No. 2103); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6319) granting a pension to George W. Cox, of Horton, Iowa, reported the same with amendment, accompanied by a report (No. 2104); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2202) granting an increase of pension to Alvin N. Sabin, reported the same without amendment, accompanied by a report (No. 2105); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6145) granting a pension to Benoni A. McConnell, reported the same with amendment, accompanied by a report (No. 2106); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5303) granting a pension to Julia A. Prouty, late an Army nurse, reported the same with amendment, accompanied by a report (No. 2107); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4906) granting a pension to Mrs. Ellen Quinn, reported the same with amendment, accompanied by a report (No. 2108); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12490) granting an increase of pension to Andrew J. West, reported the same with amendment, accompanied by a report (No. 2109); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2913) granting an increase of pension to William E. Ferree, reported the same without amendment, accompanied by a report (No. 2110); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12411) granting a pension to Catherine T. Howell, reported the same with amendment, accompanied by a report (No. 2111); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11507) granting a pension to Perry C. Jeffery, reported the same with amendment, accompanied by a report (No. 2112); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9536) to pension Sarah Carter, now Sarah Hastings, reported the same with amendment, accompanied by a report (No. 2113); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9182) to pension Eva K. Nyberg, reported the same with amendment, accompanied by a report (No. 2114); which said bill and report were referred to the Private Calendar.

Mr. SHELLEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9914) granting a pension to Almira A. Scott, reported the same without amendment, accompanied by a report (No. 2115); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4276) granting an increase of pension to Joel Bowling, reported the same without amendment, accompanied by a report (No. 2116); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3941) granting an increase of pension to John Hutchens, reported the same with amendment, accompanied by a report (No. 2117); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2776) granting an increase of pension to Pinnie L. Carr, reported the same without amendment, accompanied by a report (No. 2118); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4036) granting an increase of pension to Thomas L. Turnipseed, reported the same without amendment, accompanied by a report (No. 2119); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 56) granting a pension to Sayer Jensen, reported the same without amendment, accompanied by a report (No. 2120);

which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1052) granting an increase of pension to Rachel Frisbey, reported the same without amendment, accompanied by a report (No. 2121); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 352) granting an increase of pension to Catherine A. Young, reported the same with amendment, accompanied by a report (No. 2122); which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2430) for the relief of Jacob L. Hanger, alias William T. Graham, reported the same with amendment, accompanied by a report (No. 2124); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1673) granting an honorable discharge from the military service to Charles H. Hawley, reported the same with amendment, accompanied by a report (No. 2125); which said bill and report were referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3288) for the relief of Daniel Coonan, reported the same with amendment, accompanied by a report (No. 2126); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10676) for the relief of John H. Rollins, late a private in Company F, First District of Columbia Volunteer Cavalry, and in Company D, First Maine Volunteer Cavalry, reported the same adversely, accompanied by a report (No. 2127); which said bill and report were ordered to lie on the table.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8050) to correct the military record of W. A. Mole, reported the same adversely, accompanied by a report (No. 2128); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 7421) granting a pension to Esther Dyer Hammond—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RICHARDSON of Alabama: A bill (H. R. 13030) granting pensions to surviving officers, soldiers, and sailors of the Mexican war—to the Committee on Pensions.

By Mr. BAILEY of Texas: A bill (H. R. 13031) to provide for the purchase of a site and the erection of a public building thereon at Gainesville, in the State of Texas—to the Committee on Public Buildings and Grounds.

By Mr. LEVY: A bill (H. R. 13032) authorizing the Secretary of the Treasury to exchange gold coin for any pieces of money coined by the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. BRUNDIDGE: A bill (H. R. 13033) to provide for a public building at Batesville, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. LOUDENSLAGER: A bill (H. R. 13034) fixing salary of Vice-President and members of the Cabinet—to the Committee on Appropriations.

By Mr. HEATWOLE: A bill (H. R. 13063) to amend the act relating to the public printing and binding and the distribution of public documents, and for other purposes—to the Committee on Printing.

By Mr. BURLESON: A bill (H. R. 13064) to promote the interest of the agriculturist, and so forth—to the Committee on Agriculture.

By Mr. BROSIUS: A bill (H. R. 13065) to authorize the wearing of distinctive badges upon occasions of ceremony by officers and

men in the Army and Navy of the United States—to the Committee on Military Affairs.

By Mr. COWHERD: A bill (H. R. 13066) to provide for giving a medal to those who served in the Army during the war with Spain—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes—to the Committee on the District of Columbia.

By Mr. CANNON: A bill (H. R. 13069) to extend the limit of cost of the public building at Joliet, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. WEEKS: A joint resolution (H. J. Res. 286) granting a life-saving medal to Reynold A. Crisner, of Port Huron, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: A resolution (H. Res. 323) providing for an additional room for the use of the Speaker—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 13035) granting a pension to Simeon D. Pope—to the Committee on Pensions.

By Mr. BELL: A bill (H. R. 13036) granting a pension to W. S. Riggs—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 13037) for the relief of Mrs. Rebecca Tharp—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 13038) for the relief of the estate of James Brown, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13039) authorizing the Dewey Hotel Company to construct and maintain an electric and steam conduit on Stanton alley—to the Committee on the District of Columbia.

By Mr. CHANLER: A bill (H. R. 13040) granting a pension to Harriet G. Hall—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 13041) granting an increase of pension to W. L. Smith—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 13042) restoring Alexander D. Harper to the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13043) granting an increase of pension to Mrs. Florence Simpson—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 13044) granting a pension to Jacob Cox—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 13045) to correct the military record of Alonzo Vining—to the Committee on Military Affairs.

By Mr. LAWRENCE: A bill (H. R. 13046) increasing the pension of Byron Robinson—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 13047) for the relief of trustees of Four Mile Creek Baptist Church—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 13048) to correct the military record of James Earls—to the Committee on Military Affairs.

By Mr. STEELE: A bill (H. R. 13049) granting a pension to Elizabeth Fury—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 13050) to increase the pension of James D. Woodward—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: A bill (H. R. 13051) for the relief of Capt. Ferdinand Hansen—to the committee on Military Affairs.

By Mr. VREELAND: A bill (H. R. 13052) granting a pension to Carlos A. Rugg—to the Committee on Invalid Pensions.

By Mr. WATERS: A bill (H. R. 13053) to remove the charge of desertion from the military record of Fred W. Stein—to the Committee on Military Affairs.

Also, a bill (H. R. 13054) for the relief of Elisha D. W. Shekell—to the Committee on War Claims.

By Mr. NAPHEN: A bill (H. R. 13055) to clear the record of Leverett Bradley—to the Committee on Military Affairs.

By Mr. ROBERTS: A bill (H. R. 13056) granting a pension to Charles B. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13057) granting a pension to Thomas Kirwan—to the Committee on Invalid Pensions.

By Mr. SPALDING: A bill (H. R. 13058) granting an increase of pension to Edward S. Pierce—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 13059) to increase the pension of John Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13060) to increase the pension of Elizabeth Burnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13061) granting a pension to Richard M. Gaddy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13062) granting a pension to Sarah A. Tanquary—to the Committee on Pensions.

By Mr. DENNY: A bill (H. R. 13068) to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons Charles W. Kavanagh and William Kavanagh died seized—to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Manufacturers' Club of Philadelphia, Pa., urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON: Petition of citizens of Muscogee County, Ga., to accompany House bill granting a pension to Simeon D. Pope—to the Committee on Pensions.

By Mr. BABCOCK: Papers to accompany House bill No. 11974, granting an honorable discharge to Samuel Welch—to the Committee on Military Affairs.

By Mr. BARTHOLDT: Petition of Congress Heights Citizens' Association, protesting against the passage of Senate bill No. 1996, revoking the subdivision of Pencote Heights, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BELL: Resolutions of the Denver Chamber of Commerce, favoring certain extensions of the Weather Bureau—to the Committee on Agriculture.

Also, resolutions of the Denver Chamber of Commerce, favoring an appropriation for irrigation purposes—to the Committee on Agriculture.

Also, petition of citizens of the State of Colorado, favoring the removal of the revenue stamp tax on certificates of stock, etc.—to the Committee on Ways and Means.

Also, petition of the Denver Gas and Electric Company and the Colorado Electric Power Company, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. BOUTELL of Illinois: Petition of W. P. Dickinson and others, of Chicago, Ill., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Resolutions of the State Woman's Christian Temperance Union of South Dakota in relation to the exclusion of all spirituous liquors from our insular possessions and favoring certain other reforms—to the Committee on Insular Affairs.

Also, petition of 90 citizens of Brookings, S. Dak., urging the abolishment of saloons in the Army—to the Committee on Military Affairs.

By Mr. BURKETT: Papers to accompany House bill No. 12561, for the removal of the charge of desertion from the military record of Robert M. Mann—to the Committee on Military Affairs.

Also, affidavit to accompany House bill No. 8881 in relation to the removal of the charge of desertion from the military record of Robert Rickets—to the Committee on Military Affairs.

By Mr. CANNON: Papers to accompany House bill for the relief of Mrs. Rebecca Tharp—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of the National Association of Railway Postal Clerks, for the passage of the reclassification bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of The League, signed by the mayor of Woonsocket, R. I., in favor of holding an exposition in the city of Charleston, S. C.—to the Committee on Appropriations.

Also, resolutions of Farragut Association, Naval Veterans, of Providence, R. I., for the passage of Senate bill No. 3422—to the Committee on Naval Affairs.

By Mr. CORLISS: Petition of the Michigan State Federation of Women's Clubs, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of Pingree & Smith, and other firms of Detroit, Mich., praying for the removal of the duty on hides—to the Committee on Ways and Means.

By Mr. CRUMP: Resolutions of the Michigan State Federation of Women's Clubs and of the Woman's Christian Temperance Union of Bay City, Mich., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolution of the Bay City, Mich., Clearing House, regarding the reduction of the stamp tax—to the Committee on Ways and Means.

Also, petitions of E. P. Motley, of Alpena, Mich., and Samuel Dodd, of Cheboygan, Mich., asking for increase of salary as keepers in the United States Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of Rev. C. S. McClelland, pastor of Mount Washington Presbyterian Church, Pittsburg, Pa., in favor of ratification of treaty which aims at the banishment of the traffic in alcoholic liquors from a great part of the continent of Africa—to the Committee on Foreign Affairs.

By Mr. ESCH: Papers to accompany House bill No. 11828 to remove the charge of desertion from the military record of Charles F. Kramer—to the Committee on Military Affairs.

By Mr. GRIFFITH: Petition of Ellison D. McGuire, mayor, and other officers and business men of Madison, Ind., in support of House bill granting an increase of pension to Mrs. Florence Simpson—to the Committee on Invalid Pensions.

Also, resolutions of Dunn Post, No. 480, Grand Army of the Republic, Department of Indiana, favoring the passage of House bill No. 5779, giving veterans preferment in public service; also asking that order No. 225 of the Pension Bureau be revoked and that order 164 be restored—to the Committee on Reform in the Civil Service.

By Mr. HEPBURN: Petition of Austin Jay and others, of Appanoose County, Iowa, asking that a pension be granted to Jacob Cox—to the Committee on Invalid Pensions.

By Mr. LAMB: Papers to accompany House bill for the relief of the Baptist Church of Henrico County, Va.—to the Committee on War Claims.

By Mr. MANN: Petition of J. S. Woodward and others, of Chicago, Ill., and the Ladies' Missionary Society of the Forty-first Street Presbyterian Church, of Chicago, Ill., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. McALEER: Resolutions of the Grocers' and Importers' Exchange and Trades League of Philadelphia, Pa., in favor of legislation for the preservation of the present mint building, to be used as a free library for the city of Philadelphia—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Manufacturers' Club of Philadelphia, Pa., urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

Also, petition and letter of Edwin Fairfax Naulty, secretary of the Valley Forge National Park Association, for the creation of a military park at Valley Forge—to the Committee on Military Affairs.

By Mr. McCALL: Papers to accompany House bill No. 13028, for the relief of Dr. William C. Flowers—to the Committee on Invalid Pensions.

By Mr. McCLELLAN: Resolutions of the New York Academy of Medicine, asking for an appropriation of \$9,000 for additional shelving and room in the library of the Surgeon-General's Office at Washington—to the Committee on Appropriations.

Also, resolutions of the New York Academy of Medicine, for relief to charitable and religious institutions from the operation of the war-revenue law—to the Committee on Ways and Means.

By Mr. NAPHEN: Petition of the Fruit and Produce Exchange of Boston, Mass., favoring the establishment of a national forecast district for the New England States—to the Committee on Agriculture.

By Mr. PAYNE: Petition of George H. Reeder & Co. and other business firms of Grand Rapids, Mich., for the repeal of the tax of 15 per cent ad valorem on imported hides—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Petition of Wayne Shoe Company and 9 other firms of Fort Wayne, Ind., praying for the removal of the duty on hides—to the Committee on Ways and Means.

Also, petition of Indiana State Federation of Women's Clubs, in favor of the forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

By Mr. RUSSELL: Resolutions of Epworth League of Norwich, Conn., for international action of Christian governments excluding intoxicants from domains inhabited by native and uncivilized races—to the Committee on Foreign Affairs.

By Mr. STEELE: Papers to accompany House bill for the relief of Elizabeth Furey—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of Braham Mercantile Company and other firms of Braham, Minn., against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. TERRY: Resolution of the Board of Trade of Little Rock, Ark., in favor of the adoption of the Hay-Pauncefote treaty—to the Committee on Foreign Affairs.

By Mr. WEEKS: Paper to accompany House joint resolution in behalf of Reynold A. Crisner—to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES R. WILLIAMS: Papers to accompany House bill for the restoration of pension to Sarah A. Tanquary—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Richard McGaddis—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to John Smith, of Akin, Ill.—to the Committee on Invalid Pensions.

Also, petition of Elizabeth Burnett to accompany House bill granting her a pension—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, December 21, 1900.

The Chaplain of the Senate, Rev. W. H. MILBURN, D. D., offered the following prayer:

O Eternal God, we come into Thy presence bowed under the heavy weight of grief and sorrow as we hear the news that the wife of the President of the Senate has been called suddenly from earth to the invisible world. Our hearts are stirred with unspeakable sympathy for Thy servant, the Presiding Officer of the Senate. Comfort and uphold him as he is stricken and left alone by this bereavement. Grant, O Lord, to minister to him that only consolation which can come at such an hour.

Let Thy Heavenly blessing be upon all the members of this body and their families. Protect and guide us; and when our last hour shall come may we pass quietly in the faith and hope of the Gospel of Jesus Christ into Thy presence and at Thy right hand. Through our blessed Mediator, Jesus Christ, Thy Son. Amen.

The Secretary read the following letter:

UNITED STATES SENATE, December 21, 1900.

I hereby appoint Hon. CHARLES W. FAIRBANKS, Senator from the State of Indiana, to preside over the Senate during my absence.

WM. P. FRYE, President pro tempore.

Mr. FAIRBANKS thereupon took the chair as Presiding Officer. The PRESIDING OFFICER. The Secretary will read the Journal of yesterday's proceedings.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER. The Journal, without objection, will stand approved.

Mr. HOAR. Mr. President, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 5 minutes p. m.) the Senate adjourned, the adjournment under the concurrent resolution of the two Houses being until Thursday, January 3, 1901, at 12 o'clock meridian.

EXECUTIVE BUSINESS.

December 20, 1900.

TREATY ON INTEROCEANIC CANAL.

The injunction of secrecy was removed from the convention between the United States and Great Britain to facilitate the construction of a ship canal to connect the Atlantic and Pacific oceans, and to remove any objection which might arise out of the convention commonly called the Clayton-Bulwer treaty, and also from all votes on amendments and on the final ratification.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 21, 1900.

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

Almighty and most merciful God, in Whom all our longings, hopes, and aspirations are centered, fill us, we beseech Thee, with the spirit of Christmas, which is good will, that we may join our voices, from our hearts, with the angelic chorus which has been sounding down the ages from the first Christmas morn, "Glory to God in the highest, and on earth peace, good will to men." So let that chorus sound on until all people of all climes shall hear and add their voices to it, that peace shall reign supreme in every heart.

Amid the joys and festivities of this season of the year a cloud has come over our Congressional family. One of its employees has met with a serious accident. We pray that he may be blessed with patience to bear his suffering.

The sad tidings comes to us of the death of one of the members of this House. We pray Thee to comfort the bereaved and the broken hearted. Again, the sad news has been borne to us that the President pro tempore of the Senate has been stricken by the loss of his companion. O Lord, strengthen him to bear his sorrow, and quicken us all with larger faith and hope and confidence in Thee, that when the hour comes that we shall be called upon to pass over the river of death we shall go forward without fear, looking to Thee, the Master, the Builder of all, in Christ Jesus our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12338. An act making appropriations to supply urgent